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ABSTRACT

The Senate Select Committee on Indian Affairs met in Phoenix, Arizona, to hear the testimony of tribal witnesses in order to obtain tribal participation in the committee's national Indian policy. Thirty-seven representatives of tribal education organizations spoke about the Title IV programs of the Indian Education Act and the elementary and secondary education programs of the Bureau of Indian Affairs (BIA). In general, testimony concerned the need for continued and increased funding to insure equal educational opportunities for Native American students and the relationships among public, contract, and BIA programs for Indian students. Topics included the impact of parent participation and cultural education components of Title IV, school attendance boundaries, school closure and consolidation, the poor condition of BIA facilities, and the need to attract and retain qualified BIA teachers. This report contains the witnesses'summary remarks before the committee followed by their complete prepared statements and other material submitted for the record. The majority of witnesses represented Navajo organizations in Arizona and New Mexico. Other tribes represented included Pueblo, Papago, Hopi, Apache, and Pima. (JHZ)

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OVERSIGHT OF THE INDIAN EDUCATION ACT

ED257596

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

OVERSIGHT OF THE INDIAN EDUCATION ACT

DECEMBER 6, 1984
PHOENIX, AZ

MAY 1985
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OVERSIGHT OF THE INDIAN EDUCATION ACT

DECEMBER 6, 1984

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Phoenix, AZ.

The committee met, pursuant to notice, at 8:20 a.m., in the city council chambers, Phoenix, AZ, Senator Dennis DeConcini (acting chairman) presiding.

Present: Senator Dennis DeConcini.

Staff present: Paul Alexander, staff director, Senate Select Committee on Indian Affairs; Michael Mahsetky, staff attorney; Virginia Boylan, minority staff attorney; June Tracy, staff professional; and Debbie Brokenrope, staff assistant and secretary, Committee on Interior and Insular Affairs, U.S. House of Representatives.

Senator **DECONCINI**. The Select Committee on Indian Affairs will come to order.

First, I want to thank the chairman of the committee, Senator Andrews, for authorizing these hearings here. I also want to thank the city of Phoenix, Mayor Goddard, and the city council for opening the city hall for these hearings this morning.

I want to take a moment to introduce some of the people from the Select Committee on Indian Affairs. In the audience is Paul Alexander, the director of the committee. We also have June Tracy on my left from my staff and the Indian Affairs Committee. Debbie Brokenrope, on the far left, from the Interior Committee of the House of Representatives, Mr. Udall's office. We have Virginia Boylan, who is on my left, with the committee also and Michael Mahsetky, who is on my right.

We welcome you to these hearings. As a member of the committee and acting chairman today I am pleased by the response to our request for Indian tribal participation in the committee's national Indian education policy.

The provisions of the educational program are an essential responsibility which the Indian tribes share with the Federal Government. This partnership must be guided by a national policy which reflects the tribal needs and priorities.

The tribal testimony we receive today will provide the committee with the guidance necessary to assure quality Indian education programs.

We will be focusing on the Indian Education Act, title IV programs and the Bureau of Indian Affairs elementary and secondary education program.

Our first witnesses will address the title IV program. At 10 o'clock we will take a 15-minute break. After we hear from all the title IV witnesses, we will receive testimony from witnesses interested in the BIA elementary and secondary education program.

Because we have this hearing room until 12 noon only it is important for each of the witnesses on the list to summarize his or her statement. This will allow us to hear from all the witnesses with some time devoted to questions. The full statements will be available in the record for the committee to review.

We will now proceed with the first panel on title IV, part A. On the panel is Pat Graham, special projects director, Window Rock Unified School District; Sergio Maldonado, title IV project director of Glendale Union High School, and Della Warrior, director of Indian education, Albuquerque Public Schools.

If you will, please come forward and be seated. Please proceed.

STATEMENT OF SERGIO A. MALDONADO, CHAIRMAN, CENTRAL ARIZONA INDIAN EDUCATION CONSORTIUM

Mr. MALDONADO. Senator DeConcini, on behalf of the Central Arizona Indian Education Consortium we would like to thank you for the opportunity to testify on Senate bill 2496.

My name is Sergio Maldonado. Our organization represents a collective body of title IV, part A school programs that address special educational and culturally related academic needs of Indian children.

Some of the positive student impacts of this program are: Title IV, part A has reduced dropout figures in one valley school substantially, from 40 percent 5 years ago to 9.5 percent as of today.

National recognition of a local elementary school districts title IV, part A program which has resulted in improved daily school attendance and a reduced dropout among the Guadalupe-Yaqui people. There has been an increased understanding by teachers and improved student achievement on national tests by those students being served by the tutoring program. There is an improved working relationship between parents of Indian students and the school district through regular parent advisory committee meetings. This has created a great exposure to career opportunities and has also improved the self-image and strengthing of Indian identities through participation in culturally related activities.

Parental participation. This has involved Indian parents in the design and implementation of its projects. There has been an increased involvement of Indian parents in their local schools and their children's education. This has had modest impact on classroom level curricula and teaching practices. There has also been an improved attitude of school personnel toward Indian people and their education and relationship between the Indian community.

The consortium is concerned about the future of title IV, part A programs. The benefits that have resulted are far too numerous to mention. We feel that as native American educators the responsibility lies before us to assist and enable our students to become assets for society rather than liabilities. Our role is never ending. The continued support and much needed funding of title IV, part A programs at adequate funding levels is required.

Second, we believe that support must be made available until an equal educational opportunity be attained by native American students.

Senator DeConcini, this concludes my testimony. I would like to answer any questions you may have concerning this. Thank you.

Senator DECONCINI. Thank you, Mr. Maldonado. The material you submitted will be included in the record at this point.

[The material follows. Testimony resumes on p. 32.]

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PROFILE

TEMPE ELEMENTARY SCHOOL DISTRICT NO. 3

INDIAN EDUCATION PROGRAM

The supplemental education program for Indian students has been sponsored by the Tempe Elementary School District No.3 since the 1973-74 school year. The Tempe District encompasses the City of Tempe, a part of the town of Guadalupe and a Southeastern portion of the city of Phoenix. There are twenty-three (23) schools and a total 11,587 enrolled students in the Tempe Elementary School District. The Indian Education Program at Tempe School District No.3 is funded and supported by Title IV, State Johnson O'Malley, Pascua Yaqui Tribe, and the District. The 1983-84 Indian program census identified 820 Indian students in Kindergarten through eighth grade, representing 102 different tribes, 72% are Yaqui.

Parent Involvement plays an important part in the Indian Education Program. The Parent Committee participates in the development of the fundamental program and serves as a cooperative group with the school district in personnel staffing, project development and the evaluation of the program. Parents are involved in various workshops and conferences that are motivational and valuable toward Indian Education. They assist during special activities as well as giving presentations to both the cultural and academic component of the program.

The Indian Parent Committee meets monthly during the school year. Parent participation is outstanding during the monthly meetings. The average parent turnout per meeting is thirty (30). Currently, there are twenty voting committee members which include seventeen (17) parents and three (3) teachers. Parent Committee tribal representation include Navajo, Nez Perce, Arapahoe, Papago, Hopi and Yaqui.

This Indian Education program has been designed to meet the special educational needs of the Indian students in Tempe School District No.3. The Indian Parent Committee has identified two major student needs and has established them as goals:

1. To improve daily school attendance and reduce the school dropout rate of Indian students.

2. To increase a positive self-concept in Indian students as it relates to academic achievement.

At Fees Intermediate School, the Student Advisor assists Indian students with homework, special assignments, and reports. An Indian Education classroom provides Indian students with a special place to congregate before and after school and during the lunch periods. The Indian Student Advisor provides tutoring and counseling throughout the school day. Career information and future plans are discussed with the Indian students. There is also an active Indian club where students invite guest speakers to speak on various topics and conduct fund-raising activities to support end of the year functions as well as on-going activities.

Students who need academic assistance at the other schools are helped by tutors who travel to designated schools. The tutors assist students who are having difficulty in math and/or reading skills. The tutors also plan educational fieldtrips for Indian students.

Summer School is also provided by the Indian Education program. The program offers students individualized tutoring in reading, remedial and computational math skills, and a cultural arts approach toward the area of self-development. Special field trips are also taken during the Summer School Program.

The attendance worker is available to Indian students and parents to help improve the school attendance of Indian students who have established an inconsistent attendance record. Counseling students, providing transportation, communicating with parents and teachers, working with other social agencies and implementing special enrichment activity programs to improve attitudes toward school attendance are some of the ways in which the student is supported in order to overcome the attendance barrier. Student attendance has steadily increased since 1978.

The project also employs a unique system of positive reinforcement to reward student's positive achievements. Each quarter, the ten (10) students with the highest grades in both 7th and 8th grades are invited to a special recognition event, such as a luncheon and their names are posted in a prominent place in the Indian Education room. This practice generated interest and an awareness of the importance of good grades. Another example of positive motivation is the awards ceremony sponsored by the project at the end of each school year. This is a positive way of involving parents and community members in the students' education. At the past year ceremony there were over four hundred (400) people in attendance. Students were recognized for perfect attendance, near perfect attendance, scholastic achievement and others. Last year 60 students achieved perfect attendance and 175 students were recognized for near perfect attendance (1 day absent). This type of event not only motivates students, but also makes parents and the community more aware of the positive accomplishments of students and builds up on this crucial source of support.

For students to become willing and active learners they need a positive self concept. Ethnic pride contributes to pride in oneself. The cultural component of the Tempe School District No.3 Indian Education Program is designed to provide this pride through understanding of Native American heritage and culture for all children attending TD3 schools. Two teachers who are specialists in Native American cultures develop presentations about traditional and contemporary ways for teachers and their classrooms. They also direct teacher workshops on Indian Education.

Indian Cultural Component

The cultural concept component of the Tempe program has the task of implementing the historical and contemporary Indian cultural materials. This is accomplished by presenting a series of Indian units to the Indian students in each classroom at each grade level. The Kindergarten and 1st graders receive five 40 minute units; 2nd through 8th grades receive ten 40 minute units. Before the units for each are initiated, an Indian cultural pageant is presented that incorporates an additional one hour activity for each class of students.

Each advancing grade level receives a varied, more complex and indepth study of Indian cultural concepts. The units range from music to values and consider the attending, motivational and conceptual skills of each grade level.

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The cultural concept teachers enter the classroom only upon the request from a teacher and will supplement any educational activity as it pertains to the Native American. The Indian units are highly motivational and actively involve the Indian student in the learning process. Emphasis is on authenticity and accuracy. Indian resource people, books, audio-visual materials and teaching aids are utilized. The assumption is that the closer a learning experience is to the actual experience, visually and tactually, the more learning takes place on the part of the student.

The relationship between self-concept and academic achievement seems to be appropriate to point out. The Tempe program is directed to building or developing an Indian identity or Indian ethnic pride. The first step in a good self-concept is knowing who and what you are, your heritage and history and valuing it. The urban classrooms are full of Indian students who are not comfortable identifying themselves as descendants of Indian tribes. Regretfully, more classrooms are full of Indian students who don't know they are Indian.

The basic question of whether children see themselves negatively because of their poor school performance or whether they perform poorly in school because they see themselves negatively, is unresolved. However, there is some research which pertains to this question of cause and effect.

Students who feel worthy and have a good self-concept have the internal resources to deal with many short term failures that must be endured to achieve the long term successes in the educational system. An Indian student who feels uncomfortable about himself in relation to his classroom peers is not likely to progress with determination when his math paper is returned with 9 wrong answers out of a possible 10. A short term setback must be handled from a positive feeling about the overall value not as a contribution to a personal degree of failure, promoting a continuation of failure.

The education of urban Indian or Indians who are confronted with a high ratio of non-Indian classmates must help the Indian students find and keep identity to function effectively in the situation. The urban setting has brought together Indians of many cultural systems.

Is identity found in a general Indianness or it it developed from the specific groupings: Dakota, Pima, Yaqui, Choctaw or Nootka?

The educational district of Tempe is comprised of descendants of 100 different tribes. One of the worst acts that Christopher Columbus did to the people he found living in the western hemisphere was to call them Indians rather than allowing the people to be distinguished by their individual tribal names appropriate to their cultural unity. Requiring that all Indian students be pulled out of class to be taught because of their similarities is to deny their differneces. Grouping Indian students of differing tribal heritage and teaching them as Indians seems to be as absurd as grouping the English, Italian and Norwegians and teaching them as Europeans. Educating Indians in an urban setting is much more complex in a cultural sense than teaching Indian children in a reservation setting that has less cultural variations.

There is little professional argument with the common sense notion that our thoughts influence behavior. Once we have acquired an idea about ourselves; it serves to edit all incoming information and to influence our furture performance. Several studies have concluded that self-concepts stand in a causal relationship to academic achievement.

To develop the self-concept of the Indian student is a basic goal of this program. To pull the Indian student from the environment of peers where his self-concept is interrelated and determined is to do very little in improving his self-concept. To establish the communication of acceptance between culturally distinct groups, it is also important to eliminate the misconceptions that the culturally distinct groups have of each other. For the Indian student to develop an ethnic pride it is important to eliminate the misconception commonly held by his peers. Peers that are usually prisoners of "Hollywood Movies," become aware of what is relevant to their Indian classmates. This is done not for the non-Indian student, but only as it relates to a better self-concept for the Indian student. The tolerance of the Indian student for his culture and heritage is much easier to accept in an urban setting if it is accepted by the non-Indian majority within the school setting. Good feelings or a positive self-concept come from the reaction to and the response from the total environment. Feelings of self-worth come mainly from how we perceive others' reactions to us. Understanding the effect of many negative reactions to an individual because of specific cultural differences and the lack of individuals who are sensitized to these differences promotes a continuous situation of humiliation and degradation. The lack of sensitivity and the intolerance comes from many years of non-Indians (and in many cases Indians from differing tribes) being uninformed or misinformed developing systematic perjudices. Unless these systematic prejudices are eliminated in a context that will promote the acceptance of cultural differences, the success of Indian students academically in the urban classroom is destined to a tragic fate.

Even though we may occasionally note sudden flashes of insight, changes in self-perception are more likely to be gradual. It takes time to produce important changes in self-perception. It takes values and purposes that encompass the dynamics of interaction, on a person-to-person basis or a person-to-group basis, to produce the kind of vital experience that noticeably changes self-perception.

The role of the responsible elementary teacher today is expanding far beyond the teaching of academics. It is essential that the teacher know more about the children in the classroom. There is no one method by which this information is gleaned. The conscientious teacher will seek a broad exposure to the child's behavior in different ways and at different times.

Finally, the effect of the concept developers performing the activities within the classroom is seen not only as a benefit in the area of peer relations for the Indian student, but an effective way of teaching teachers. When the cultural units are presented, the regular classroom teacher is required to be in attendance. Teachers learn about Indian culture and how to work effectively with the Indian students in their own classroom which is, in effect, in-service education. Because teachers can model the Indian concept teachers, their relationship with their Indian students is improved.

November 29, 1984

We feel the Title IV program in the Mesa Unified School District has many positive results. Here are a few --

- Better communication between teachers and parents.
- Better understanding by teachers of the Indian culture.
- Better relationship with the tribes and the two reservations served by the program.
- Improved student achievement on national tests by those students being served by the tutoring program.
- Better understanding by district administration of the needs of Indian students.
- More participation in school activities by Indian students.
- More participation in cultural related activities by Indian students.
- Good working relationship between parents of Indian students and the school district through Parent Advisory Committee meetings.
- Students are learning more about the Southwest Indian culture.
- Indian high school students have learned about career opportunities from Indian professionals.

Tempe Union High School District

500 WEST GUADALUPE ROAD/TEMPE, ARIZONA 85283/(602) [illegible]

DR. THOMAS A. PARISH — SUPERINTENDENT
JAMES C. LOVE — ASSISTANT SUPERINTENDENT
BILL E. COX — PERSONNEL MANAGER
JEAN PASLEY — VOCATIONAL EDUCATION & AUXILIARY PROGRAMS
DUDLEY [illegible] — BUSINESS MANAGER
LA VERN [illegible] — DIRECTOR OF SPECIAL SERVICES
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GOVERNING BOARD
MARY FRANCES LEWIS — PRESIDENT
[illegible] TINSLEY — CLERK
WILLIAM T. BOYLE — MEMBER
ROBERT KEMPTON — MEMBER
DR. RICHARD L. SMITH — MEMBER

November 29, 1984

To Whom It May Concern:

In keeping with your invitation detailed in your October 31 letter, I wish to describe for you my perceptions of the Title IV program as it applies to the Tempe Union High School District. While we have not utilized the funds in a curricular way, we have provided some activities and programs for our Native American youth which I believe have been beneficial in a number of ways.

1. One of the requirements for receiving Title IV funds is the establishment of a Parent Advisory Committee. This has brought school people and parents together and has established a working relationship that I do not believe would have been there had Title IV not been in place.

2. Title IV funds have provided us a means to assist parents of Native American students who, by all measures, would be considered economically disadvantaged with assistance in providing appropriate materials so that their youngsters can attend school and enjoy and utilize all of the tools necessary (such as textbooks, etc.).

3. Title IV funds have been utilized in this district to secure the services of a lay counselor, an individual who can interface in the community and help the student, the school and the parents work together for the benefit of the student.

4. We have been able to provide activities with Title IV funds which encourage and promote Native American culture not only to Native American students but also to provide for more in-depth understanding of the Native American and his culture by other students.

One of the manifestations of the success of our program, I believe, is the dramatic reduction in the drop-out rate within the Native American student population. I think that the efforts of the lay counselor and the ability to provide materials has greatly impacted this problem. If it would be appropriate and if you need it, I can provide statistical information that would support this statement.

It is our District's sincere hope that Title IV funds will continue to be available in sufficient quantities to help us maintain and expand these programs.

Sincerely,

James C. Love

James C. Love
Assistant Superintendent

JCL:cmm

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MARCOS DE NIZA HIGH SCHOOL

UNIT OF
TEMPE UNION HIGH
SCHOOL DISTRICT
DR. THOMAS A. PARKER
SUPERINTENDENT
DR. BILL FITZGERALD
PRINCIPAL

MR. VICTOR SANCHEZ
ASSISTANT PRINCIPAL
MR. BILL VANNEY
ASSISTANT PRINCIPAL
DR. GLORIA SMITH
ASSISTANT PRINCIPAL

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TEMPE, ARIZONA [illegible]
[illegible]

November 27, 1984

To whom it may concern:

For the past several years, Marcos de Niza High School has benefited to the receipt of Title IV Indian Education Act money. I wish to go on record as being in full support of the program and its director, Mr. Tony Chavarria.

These funds have enabled many Yaqui Indian students from Guadalupe to remain in school and receive the benefits of an education. I would have been a hardship on our District if these funds had not been available. Also, Mr. Chavarria has done an excellent job in distribution of funds, working with the parents in the community, and keeping the students in school. He has made numerous home visits, held many parent meetings and has the support of the parents in the community. He is definite and firm with the students and tries to make them see the benefits of an education.

If I can be of any further benefit, please do not hesitate to contact me.

Sincerely,

Dr. Bill Fitzgerald
Principal

BF:sc

MARCOS DE NIZA HIGH SCHOOL

A UNIT OF
TEMPE UNION HIGH
SCHOOL DISTRICT

DR. JOHN C. WATERS
SUPERINTENDENT

DR. BILL FITZGERALD
PRINCIPAL

MR. VICTOR SANCHEZ
ASSISTANT PRINCIPAL

MR. BILL VANNEY
ASSISTANT PRINCIPAL

DR. GLORIA SMITH
ASSISTANT PRINCIPAL

[illegible] S. LAKESHORE DRIVE
TEMPE, ARIZONA [illegible]
[illegible]

November 27, 1984

Dear Mr. Andrews,

As Assistant Principal of Student Activities at Marcos de Niza High School, I feel it is my privilege to write to you on behalf of the Title IV Indian Program. As a result of the efforts of Mr. Tony Chavarria, Indian Lay Counselor, our students have indeed experienced significantly more success than had been the case over the last few years.

Specifically, student attendance has increased on a daily basis. The overall dropout rate for our Indian students has been reduced from over forty percent five years ago to approximately 9.5% for the 1983-84 school year. Mr Chavarria has held regular meetings with students and parents at school and in the community of Guadalupe to stress the importance of schooling and regular attendance.

Many students participate in the Native American Club which Mr. Chevarria co-sponsors with another teacher . In addition, the students participate in our multi-cultural assembly each year. Some have entered talent contests. Some have received scholarships. Others have worked on projects to raise funds for scholarships to promote continued education. In all these ways the Title IV program has made it possible for our students to build a sense of their own identity, cultural heritage, and their futures.

There is no doubt that much of our program's success is the direct result of the time, interest, and involvement of Mr. Chavarria in the program. He models commitment to education and productive citizenship and is an asset to the school as well as a source of pride to his people. Title IV has not only made his position and positive contributions possible but has significantly impacted the lives of our Indian students at school and in the community. What a joy it is to see these students in their caps and gowns on graduation evening with their proud families. Their accomplishments become the role model for others to follow. I do believe the Title IV program has provided the impetus for these changes and that our district would suffer a severe loss should it be discontinued.

Sincerely,

Gloria J. Smith

Gloria J. Smith

MARCOS DE NIZA HIGH SCHOOL

UNIT OF
TEMPE UNION HIGH
SCHOOL DISTRICT
DR. THOMAS A. PARKER
SUPERINTENDENT
DR. BILL FITZGERALD
PRINCIPAL

MR. VICTOR SANCHEZ
ASSISTANT PRINCIPAL
MR. BILL VANNEY
ASSISTANT PRINCIPAL
DR. GLORIA SMITH
ASSISTANT PRINCIPAL

[illegible] S. LAKESHORE DRIVE
TEMPE, ARIZONA [illegible]
[illegible]

November 29, 1984

To Whom It May Concern:

The Title IV Program, under the direction of Tony Chavarria, has been a vital part of our total school program.

Through Title IV many students have been given the opportunity to remain and be successful in school. The program has included financial assistance, tutorial assistance, and perhaps most important, personal assistance.

The personal assistance has come through Mr. Chavarria. His prompt attention to potential problems has been a strong factor in keeping many of the students in school. Evidence of the success enjoyed by the program is the dramatic drop in the dropout rate of the target population. Previous to the program, dropout rate among that population of students was approximately 20% - 25%. In the last three years, that rate has not exceeded 9%. Without question the intervention offered by Mr. Chavarria and Title IV has been the overriding factor in keeping these students in school.

I hereby endorse continuation of the Program and stand ready to answer any question you may have.

Sincerely,

Vic Sanchez

Vic Sanchez
Assistant Principal

The Phoenix Union High School District's Indian Education Program is funded through Title IV, JOM and the District. The program serves 60 different tribal groups. Total Indian student enrollment at the beginning of FY 1983 was 580, including students bussed in daily from the Gila River Pima/ Maricopa Reservation. Program staff are: Federal Programs Director (Dr. Tom McDonald), Facilitator (Jack Gregory), Secretary (Karen Turner), and Indian Youth Advisors (Lucille Enos, Pat Helton, Bobbie Kisto, and Karen Thomas). Other staff includes tutors (students, non-certified and certified adults), and a temporary contact person.

Basic Skills improvement has increased as follows;

Reading Skills:	went up from [illegible]3.6% in 1981-82 school year to 77% in 1982-83 school year. 67.7% of those taking the test in 1982-83 improved their scores.
Math Skills:	Went up from 33.6% in 1981-82 school year to [illegible].7% in 1982-83 school year. 65.5% of those taking the test in 1982-83 improved their scores.
Writing Skills:	Went up from 12.5% in 1981-82 school year to 42% in 1982-83. 76.2% of those taking the test in 1982-83 improved their scores.

Strong student and parent involvement has been demonstrated through participation in the Foxfire Project, parent committee meetings, and student activities. Parent Committee involvement and attendance has increased tremendously. PC members have attended more general and area meetings than they were required to. Student activities included a Pow-Wow, May, 1983 and American Indian Honor Society Banquet, May, 1983. An example of student self-esteem improvement was demonstrated by student participation in the Foxfire Project and by participation of Larria Charlie, Ruth Villegas, and Robert Zamora in a student panel, "Self-Esteem Through the Circle of Fires," at the Fourth National Indian Child Conference in Phoenix, September 12-16, 1982.

Major activities of the Indian Education Program are: Career/College Awareness Day, Mr. and Miss Intertribal, Jim Thrope Sports Day, and Awards Night.

THE FOXFIRE PROJECT

The Foxfire Project is an innovative, 6-week training program which began in the summer of 1982. For two weeks, 15 Indian students were instructed in the techniques of video-cassettes, recorders, cameras, writing and editing skills, oral history techniques and achieving their English requirements. During the next two weeks, the students returned to the reservation where, under the supervision of a relative, they gathered information in the form of photos, drawings, recordings, and written interviews on any subject pertaining to their particular culture. The students then taped the interviews, transcribed and edited the tapes. From these interviews came planting signs, superstitions, old home remedies, and countless other cultural ways. The students returned to the classroom the last two weeks they re-wrote their stories and interviews. The final product is a publication entitled, Keepers of the Legends, which is enhanced with drawings, photos, and poems by the students of the "Circle of Many Fires". Keepers of the Legends II, a Foxfire Project, will be released at the Heard Museum in 1984.

Indian Education Summer School Program:

A six week summer school was offered to students on a volunteer basic. Classes were available in freshmen through Senior English, Math (Algebra and Geometry) and Social Studies. A total of 145 classes were taken and the dropout rate was less then 10%, five times, lower than the National dropout average for Indian students.

CAT/C - MAY 1984

MEAN ACHIEVEMENT SCORES

BY ETHNIC/RACIAL BACKGROUND

Nat. Norm	White			Black			Hispanic			Asian			Amer. Ind.		
	Read	Gram	Math	Read	Gram	Math	Read	Gram	Math	Read	Gram	Math	Read	Gram	Math
1.8	2.2	1.9	2.2	2.1	1.9	2.1	1.9	1.7	2.1	2.1	1.9	2.1	1.7	1.5	1.8
2.8	3.6	3.6	3.4	2.8	3.1	3.2	3.3	3.2	3.0	4.5	3.5	3.3	2.5	2.7	2.9
3.8	4.5	5.1	4.5	3.9	[illegible]	4.0	3.8	4.2	3.9	4.1	5.0	4.6	3.8	3.9	4.0
4.8	5.6	7.4	5.9	4.9	6.7	5.2	4.5	5.5	5.2	3.9	7.8	4.6	4.6	[illegible]	5.1
5.8	6.8	8.1	6.5	5.4	5.4	5.3	5.6	6.5	5.8	5.1	6.8	6.8	5.9	6.7	6.2
6.8	7.7	8.8	7.8	6.7	8.4	7.3	6.8	8.0	7.0	5.5	7.4	7.9	6.3	6.6	7.2
7.8	9.0	10.0	9.0	6.4	6.7	7.8	7.5	8.0	8.0	6.0	4.9	7.8	7.0	7.6	7.9
8.8	10.7	12.8	11.1	8.5	8.5	8.2	9.3	10.8	9.8	8.9	12.7	12.9	8.5	9.8	9.0

Results from Osborn School District #8
Indian Education Unit(K-8)
Phoenix, Arizona 85013

recd 11/28/1

NAVAJO MISSION / ACADEMY
1200 West Apache Street
Farmington, New Mexico 87401
(505) [illegible] 326-6571

Dillon Platero
Headmaster

November 22, 1983

Betty Sheppard
SREC Dissemination Specialist
2121 South Mill Avenue
Suite 216
Tempe, Arizona 85282

Dear Ms. Sheppard:

Enclosed please find a profile of the Navajo Mission/Academy's "Aliil - Navajo Creative Arts and Career/College Education" project which is funded through the Title IV, Part A program. Hopefully the information as submitted will suffice your requirements. If there is any additional information needed, please do not hesitate to contact either Mr. Dillon Platero, headmaster, or myself, at the above printed address, or telephone number 505/326-6571.

Thank you for your continued support and interest.

Sincerely,

Tina Vicente
Tina Vicente
Special Projects Administrator

enclosure

NAVAJO MISSION / ACADEMY
1200 West Apache Street
Farmington, New Mexico 87401
(505) 325-[illegible]

Dillon Platero
Headmaster/Principal

The Navajo Mission Academy, a P.L. 93-638, P.L. 95-561 funded contract school is located on the campus of the former Navajo Methodist Mission School in Farmington, New Mexico. The school is dedicated to providing a college preparatory, individualized program geared toward meeting the needs of gifted, talented, and highly motivated Navajo students in grades 9-12. The curricular emphasis of the institution are basic skills, bilingual/bicultural skills, career education, and interpersonal relations. The Academy is accredited by both the North Central Accreditation Association and the State of New Mexico, as well as being endorsed by the Navajo Tribal Council and its various committees.

The Academy was first established in February, 1977, by resolution of the Navajo Tribal Council. The Navajo Academy was located in Ganado, Arizona, until 1978, when the Navajo United Methodist Mission School invited it to move to its campus. This invitation was extended by the Methodist Church to allow Native American control of its own education. The Mission School had provided education for Navajos since the early 20th century. Since this merger, the Navajo Mission Academy has represented a unique blending of a tribal contract school and a former Mission school.

The school is funded through a P.L 93-638 contract to provide a rigorous curriculum of reading, writing and 'rithmetic - the three "R's". Basic academic skills are stressed to ensure that graduates can succeed in college. Graduation requirements are demanding - exceeding those of the state and other schools. The basic program is expanded with supplemental funding from Chapter I, Title IV, Part A, and Title VII. These projects are coordinated as separate and distinct supplemental services that work toward achieving the school's philosophy, goals and objectives.

The school's Title IV, Part A project, "Aliil - Navajo Creative Arts and College/Career Orientation", is designed to provide reinforcement to the bicultural and bilingual programs and to the career preparation aspects of the main curriculum. In response to the demand of parents, as documented by their response to a needs assessment survey, the project was written to allow the students to retain their rich cultural heritage while working in a demanding learning environment. The need and rationale of each component in the project are addressed separately as follows.

Component #1: Aliil - Navajo Creative Arts: Choir & Drama

The Navajo Creative Arts program is intended to reinforce the unique Indian identity of students. Many Navajo students have lost their unique identity because of the inadequate or nonexistent presentation of Navajo creative arts in schools. This program allows students to develop verbal self expressive skills and a strong sense of personal identity through participation in choir and drama.

The goal of the drama and choir program is not to provide information but insight, and not to provide knowledge but understanding. It has been stated that, the most important lesson of human existence can only be absorbed through empathy; "empathy is the wordless, universal language of the performing arts."

A College Preparatory Educational Program for Navajo Youth

For Indians, the "arts" represent a daily integration of aesthetic beauty, function and spirituality. Creative expression when developed to its full potential will provide self image that is deeply rooted in an individual's psyche. To portray and transmit this state is the object of the program. If nothing else, the outcome is to emphasize that art, music, dance and drama are essential parts to any child's education.

It remains a challenge for Navajo educators to develop a means of assessing the needs of students in a program of this type. There are no standardized tests available for assessing the student's sense of personal and cultural identity.

Component #2: Career Orientation

To enhance the school's rigorous academic program to prepare students for college, this project consists of taking students for visits to local colleges and universities, providing presentations by Navajo professionals, and allowing for student participation in career related conferences. The goal of this program is to provide students with concrete job and college related experiences that will enrich and facilitate their motivation, academic performance and decision making process concerning their futures.

The Navajo tribal administration has issued career priorities for Navajo students on the reservation which encompass fields that are relevant to Navajo national needs today. The five fields of specialization required for rapid and efficient development, operation, and management of the Navajo Indian reservation and its natural and human resources are: business, engineering, law, medicine, and natural resources.

In studies done by the Navajo tribe, the aforementioned fields are found to be largely overlooked by students in their consideration of careers and college majors. Some of the reasons that students give for not choosing majors in these fields are: 1) lack of knowledge of opportunities available, 2) lack of preparation at the elementary and high school levels, 3) poor study habits, 4) lack of timely advice on need for professionals and college educated personnel with related practical work experience, and other similar factors. To counteract these factors, the Academy proposed to orientate students on post secondary educational opportunities as indepth as possible.

The Academy has received funding through the Title IV, Part A program for the "Aliil - Navajo Creative Arts & College/Career Orientation" project for two years: 1983 and 1984. One drama teacher is funded part-time through the program. Most of the project funds are utilized to support direct student services. The program is overseen by a parent committee consisting of five parents, two student representatives, and a faculty member. This committee meets monthly throughout the year providing vital input and review of the services.

In fiscal year 1983, the Academy boasted an enrollment of 154 students, all of whom participated in the Title IV, Part A project services. In the current year, the enrollment is 172. All of the students benefit from the project services by attending the general assemblies where speakers make presentations on various careers. In 1983, forty four students participated in the choir and drama classes, while 24 seniors spent one week visiting local colleges and universities. In the current year, 30 students are enrolled in the choir and drama classes. The 33 seniors enrolled for the current year will be the main participants in the college/career orientation component.

In fiscal year 1983, the drama program was delayed for a semester due to the lack of an instructor. However, in the second semester two individuals were hired to teach drama in consecutive nine week sessions. For the period of January 03 - March 18, fifteen students were enrolled in the drama class. They presented the play, "Genesis" twice, once at the Academy and another time at the Fort Wingate High School. The part-time instructor's parting comments on his nine week stint with the students were: "These students are bright, curious, competitive, all-American pop music listening nuts and like the rest of American high schoolers ... lazy, unless pushed. I suggest intensifying their language activities to the limit."

In the second session of FY'83, Miss Geraldine Keams, a Navajo actress, taught drama class. She worked with twenty five students during the period of March 21 through June 3rd. Her students presented the play, "Rainbow Warrior" three times. The performances were given twice at the Academy and once at the Laguna Acoma High School. Summarizing her experience with the students are Miss Keams comments as follows: "Students, particularly Indians, are often thrust into plays that are both incomprehensible and culturally foreign. For this reason the students were involved in every aspect of the play development, technical development and actual performance. Every student with a desire to be on stage was given that experience. To give a student responsibility for even one line is to give them a sense of self confidence, encouragement, commitment and accomplishment. Many of the students in class were identified as shy and quiet, and there was surprise over the fact that they performed on stage. By the final performance, the quietest students could project their voices loudly enough to be heard in a performance. The most extroverted improved their character development and made each performance a delight for everyone. With the incorporation of traditional Navajo songs and teachings of the elderly, the students were exposed to some elements of their native culture and values." In fact, the entire play reflected the positive values and ethics of the Navajo culture. It highlighted an interchange over typical high school problems between Navajo teenagers who have the integrity of a traditional upbringing versus those with a non-traditional background. The play was thought provoking.

Parent committee members were invited to the student performances. About the drama presentation, one made the following comments: "I feel that many of our young people cannot connect themselves between school or the non-Navajo culture and the Navajo culture. This program was an excellent presentation for them because they had to find themselves in order to present the problems so well. Each student presented themself very well and pronounced their words clearly. I found the program very worthwhile."

In the current year, a fulltime drama instructor has been hired. She is working with the students to present short sketches for a Christmas program and to perform a major production in the spring of 1984.

The Academy choir spent a busy year in 1983 learning twenty songs by memory. The group performed many times, some of the sites they visited were: Fort Wingate, Laguna/Acoma, Shiprock, Crownpoint, and Arvada, Colorado. Video-tapes of their performances have been made for the school library. The local television station invited the choir to perform on television two consecutive weekends which was exciting for everyone involved. By the end of the year, the group was hailed as one of the best in the area. Unfortunately, the instructor resigned due to a family illness which has resulted in decreased interest on the part of the students in the choir. In the current year, the new instructor is attempting to regroup the students. While project funds do not cover the salary of the choir instructor, they meet expenses of materials, supplies and travel by the group.

Parent response to the choir performances was positive, as expressed by their comments as follows: "The choir was the best in San Juan County. They were never flat and had good enunciation." "The students translated the '12 Days of Christmas' into Navajo which was great. The participating students enjoyed their involvement - they have learned the beauty and humor of music." "Dressed in traditional Navajo outfits, the choir sang beautifully and made us so proud."

In fiscal year 1983, the Career and College Orientation project consisted of a week long off-campus trip by the seniors to visit colleges, universities and businesses in Albuquerque, N.M., student participation in career conferences, and assemblies where various lectures on careers were presented. To focus the seniors' attention on post-high school studies, they were surveyed by the academic counselor on their career interests. According to the interests expressed, the week-long orientation was designed to introduce the students to all the areas noted. Twenty seniors, accompanied by adult chaperones, spent the week of March 21-25, 1983 touring college campuses and other organizations. Tours and presentations included visiting several colleges (including engineering, education, business and medicine) on the University of New Mexico campus; touring the University of Albuquerque; a tour and presentations at Sandia National Laboratories; musuem tours; meeting with college representatives; meeting with Indian club members at UNM; and attending a state career convention for Native American students.

Students participating in the week long career and college orientation trip kept journals. Some comments extracted from their writings include the following: "The first thing I learned today was that you have to meet pre-admission requirements to be accepted into any of UNM's schools. After being accepted, you begin concentrating on courses related to the school. This leads to a B.A. degree. At the Business school, a strong background in math is required. At the Native American Career Conference, I enjoyed seeing hundreds of other Native American high school students who are becoming assimilated into the white mans world. It was an unforgettable experience in that some of the future builders of the new Native American world were at one point in space and time collectively sharing an enlightening experience. A Navajo medical student told us that attending medical school is almost like a job because you are in class eight hours per day. After school, he studies at least four hours and even on weekends. He also pointed out that physicians are needed on the reservation and in the entire world with the increasing population. The time I spent at UNM, observing students and visiting the campus definitely influenced my decision on attending college there." "This morning was the best when we visited Sandia National Laboratories. We visited the SCARS (Systems Control and Receiving Station) laboratory to see a computer that operates continuously recording data from regional earth movements caused by earthquakes or nuclear testing. It was very interesting because they let us see how engineering is applied. At first we didn't really understand what engineering is but this gave us the actual experience." "I attended a workshop on Personal Budgeting which I really enjoyed because the teacher knew what she was talking about. She discussed budgeting time and money, how to make schedules, and making commitments." "My workshop dealt with study skills, like note taking, test studying, and organization. It was my favorite because we listened to a tape on why students drop out of school. While listening to the tape we took notes and afterward had a five question test. Scoring four correct answers out of the five was equal to 80%. That score indicated that sometime during your past high school years, you had been taught some good study skills. I got an 80% along with 3 others in a room of 32 students!" "During the career orientation week, I enjoyed myself and learned more about college and college life."

Ten students representing all four grade levels were selected by their teachers to attend the Navajo Nation Youth Leadership conference held in Shiprock. The school's student body president was the only student selected to address the conference in a general assembly. Her remarks about the conference best sum up the event as follow: "The conference was very beneficial. I only wish there were more students involved, not just ten from each school. It was an eye opener. I'm sure each student was encouraged just as I was. We may all be running for a political seat in the future!" Another student stated, "The purpose of the conference was to bring together Navajo youth. There were many workshops covering different career areas. Most of the presentations fitted my own goals. They gave me helpful tips. There was an opportunity to have students meet each other which was fun. Students working together and showing an interest in the future gives me confidence about tomorrow."

Throughout the year, various speakers representing different careers, presented information to the student body in general assemblies. Navajo professionals were invited to provide the students with positive role models and to allow for interaction with people they could identify with. All of the speakers were well received by the student body and faculty.

The Career and College orientation project is continuing in fiscal year 1984. Speakers have been scheduled into the assembly program twice a month. The senior orientation trip will occur in the early spring of 1984. Student conferences are being scheduled for attendance by selected and deserving students. It is anticipated that this on-going program will continue to motivate students to pursue a college education after graduating from high school. Of significance is the fact that of the 27 students graduating in May, 1983, 20 are currently enrolled in college. Several of those students are at the University of New Mexico and at the College of Santa Fe, two institutions that were contacted during the senior career orientation trip in March, 1983.

Additional information regarding the Academy's Title IV, Part A project may be obtained from the school headmaster, Mr. Dillon Platero, Navajo Mission Academy, 1200 West Apache Street, Farmington, New Mexico 87401 or telephone Number 505/326-6571.

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Dibé Yázhí Habitiin Ólta' Inc.
Borrego Pass School
P.O. Drawer A
Crownpoint, New Mexico 87313

Phone
505 786-5237
786-7211

Donald D. Creamer
Executive Director

12 December 1983

Betty Shepard
Southwest Resource & Evaluation Center
2121 South Mill Avenue, Suite 216
Tempe, Arizona 85282

Dear Ms. Shepard:

Enclosed please find the report from Borrego Pass School to be included in the Joint Report on Exemplary Practices in Indian Education. We appreciate very much the support given by SREC to our program.

If you have any further questions or information, please call me.

Your truly,

William

William J. Kniseley
Curriculum Coordinator

Enclosure

CONCURRED

Donald D. Creamer

Donald D. Creamer, Executive Director

Board of Directors
George Jim, Chairman
Tommy Yazzie
Thomas Barbone
Glen Loley
Donna Chacho
Margaret Garcia

BORREGO PASS SCHOOL

Borrego Pass School, a BIA "Contract School", is located in a remote rural section of the so-called "Checkerboard" area of Western New Mexico, adjoining the Navajo Indian Reservation. The school presently includes grades K-7, and next year will expand to include the eighth grade. The student population is 98% Navajo Indian, the exceptions being students who are dependents of school staff members. Approximately 50% of the students entering Kindergarten are monolingual Navajo-speaking and, of the remainder, approximately 90% are from homes where Navajo is the primary language spoken.

The school's attendance area is a 125 square mile district which includes the Navajo chapters (roughly equivalent to townships) of Littlewater and Casamero Lake, N. Mex. Parents within this area may choose to send their children to BIA boarding schools, nearby Public schools, or to Borrego Pass School. Children not enrolled in any other school are expected to attend Borrego Pass School.

The school is operated by a non-profit New Mexico corporation, Dibe Yazhi Habitiin Olta, Inc. The board of directors of the corporation are the School Board elected by the two chapters served, under Tribal code. Three board members are elected by each chapter.

The service area is severely economically depressed, with approximately 70% unemployment. The school is the only employer located in the area. Sheepherding and native arts and crafts are the principal other sources of income for those unable to secure jobs on the "outside".

Aside from the housing located at the school site, only 28% of the homes in the area have electricity, and only one or two have running water. Although television ownership is of high priority for local families, few homes have achieved this goal due to absence of electrical service. Some use the family car as a means of powering a battery-operated set. Even then, TV reception is spotty and poor because the community is in an extreme fringe area. This further reduces children's exposure to "standard" English. The school also provides other services to compensate for the economic plight of local families, such as two hot meals a day for students, and opportunity for hot showers twice a week.

PROGRAM DEVELOPMENT

A needs assessment conducted in late 1980 determined that the students came to school with a wealth of language skills -- the problem was that these were not in the language of the dominant culture. By the close of seven years of school students were reading English at the third grade level. The school was dependent on traditional English language curricula as the basis for English reading and language instruction. Native language and culture instruction was disorganized, and curriculum materials included only a few locally developed pieces. The traditional English curricula were inappropriate, in that the concepts about which the materials were written were unfamiliar to the students (i.e. pet shows; bakeries; candy stores; black, white, chicano and oriental students; etc.).

It was felt that appropriate English language materials, and a graded Navajo language basal reader series were needed. Two Title IV grants were secured, one for developing culturally appropriate methods and materials for English language instruction and one for developing Navajo language and cultural materials. The method of initial English language instruction was to be a combination of "modeling" by English language medium instructors, and the use of the locally developed English language written materials. Parallel instruction would be given in Navajo reading and transferrable reading and language skills would be taught in the Navajo language prior to being introduced in English. Areas of interference would be identified for the instructional staff as sources of difficulty for the students, and as areas of concentration for the English language reader series.

The program has been developed slowly with the goal of producing a totally integrated curriculum, not just producing materials. The first step was a definition of the exit skills that were desired for students leaving the sixth grade. From these, a sequence of skills necessary to reach this exit goal was determined for each grade level. Tentative objectives for each grade level were written and field-tested in the classrooms. Navajo language objectives were based upon the skills transferrable to English, and the English language objectives were analyzed to determine points of interference with Navajo. The development of materials was based on these objectives, and as materials were completed they were placed in the classroom for field-testing and then either discarded, revised, or accepted as part of the growing system, based upon the teaching staff and student responses.

During the 1981-82 school year it was decided that the first-draft objectives were too general, especially for new non-Navajo teachers. That year's Title IV project developed a "cookbook" for teachers, consisting of a grade-level universe of instructional objectives for all academic subject areas, in small incremental steps, and including resource information as to where the teacher could find materials for teaching each skill, suggestions for teaching activities, and points of interference (if any) between Navajo and English. This "cookbook" was ready for teachers for the beginning of the 1982-83 school year, and is now under field-testing. Together with the integrated textbook series developed under the original impetus of the project, it now forms the backbone of the school's academic program.

Throughout the life of the program a consistent policy of close coordination of resources between Title IV A, Title IV B, Chapter (formerly "Title") I, and BIA basic funding has been followed. Examples include the use of a single Curriculum Coordinator for both Title IV projects, and as a trainer of regular program personnel; continuation of parent training initiated in early years under Title IV A as part of the Chapter I project, using Title IV developed materials; transfer of funding responsibility for English language medium teacher aides in the early grades from Title IV (which developed the methodology and materials used) to Chapter I (which represents a more predictable funding base); and so on. The program development has taken five years to date. The goal of the School Board is to reduce school dependence upon "soft" funding to the point at which we can carry on a full scale bilingual-bicultural program on the same funding a comparable BIA school would require for a monolingual English program. This goal has not been completely achieved, as yet, but the level of soft funding at the school has been reduced from about 50% in 1980 to 15% at the present time, and no direct services to students (except a counselor under the IV A entitlement) are dependent on soft funds.

Parental involvement is almost "guaranteed" by being a local Indian community controlled school with an all-Indian school board elected by the community served, so DEd. regulations do not require a Parent Committee. The school, however, maintains such a group in an advisory capacity, which consists of six members elected three from each Chapter served. They meet monthly to advise on all aspects of the school program (not just DEd. projects), receive reports, and make recommendations for improvement. They interview parents who receive parent training under Chapter I, and actually conduct any public meetings for needs assessments, or to consult on proposed Federal projects at the school. During the spring of 1983 the PAC spent a full week visiting the school's classrooms, observing instruction, and advising on the operation of the curriculum development project.

OUTCOMES

The student population for school year 1980-81 was 124 students. It has increased each year to the present enrollment of 157 (27% increase). All service delivery staff are now funded under BIA basic school operations formula funds, or flow-through funds available to any Federal Indian school. DEd. discretionary funds are used for program development activities only, not for direct services, so this aspect of our dependence on soft funding has been broken. The current instructional staff (SY 1983-84) includes 10 teachers, 6 teacher aides, a Special Education Teacher, and the Principal, funded under the basic program (also cooks, bus drivers, & support staff). One Reading Teacher, four teacher aides, a parent coordinator and parent training program are funded under Chapter I. Title IV Part A provides a Curriculum Coordinator, a writer, an illustrator, an evaluation specialist (test developer), and a secretary, all for curriculum development. All necessary administrative services are funded under a lump-sum overhead cost agreement with BIA as part of the BIA contract, in which the Title IV project participates on a pro-rata basis.

From the spring testing of 1980 to the spring testing of 1983, the mean sixth grade total battery test scores on the CTBS achievement test have risen from 3.3 to 5.2 (see attached chart showing comparison scores). This is in spite of the fact that during the same period the school had three principals, and no teacher taught two consecutive years at the same grade level in grades 3 - 6. Other grade levels show equally dramatic increases.

The school now has a viable integrated series of Navajo and English basal and supplemental readers, and the back-up teacher's guides and planning materials necessary to make them work. The Navajo reading series covers grades K-8, and the English series grades K-4. At fourth grade it is felt that students will be able to continue to make satisfactory progress using commercially prepared English readers, especially when supplemented with the Navajo readers. In these series there are 23 Navajo language textbooks and 14 English language texts. There is also a general reference, Teaching English to Native Navajo Speakers for teacher use in background and study of language interference and transfer questions. It should be emphasized that these materials are not slick publications. They are not in color (although the B/W illustrations in some are excellent art work) and are not intended to compete with commercial materials on these dimensions. Their value is in their appropriateness to the experience and skills of the local students, as means of teaching the unknown by proceeding from what is already known.

The school is now involved in a current project developing bilingual K-8 achievement tests, based upon the total school curriculum, to guide the application of the curriculum. Efforts are being made to norm these tests on the student population and to develop correlations between the tests and the CTBS.

A "spin off" of the program, never separately funded, has been the training of local Navajo personnel to assume the professional and paraprofessional instructional roles in the school. This has been done using released time and educational leave, and a carefully structured "career ladder" to reward progress toward securing a professional degree. It has been especially beneficial to program continuity in view of the school's past dependence upon transient outside non-Navajo personnel for professional positions. Over the past ten years, 85% of the professional positions at the school were filled by non-Navajo outside personnel. This group had a mean tenure of 1.9 years of service. During the current school year 58% of the professional staff are permanent local Navajo personnel, with a mean tenure of over 8 years.

Student interest in the school is demonstrated by very high attendance rates, and an absence of any known drop-outs, aside from some families who have moved from the community and we have no means of tracking them. The school also administers a student attitude test eliciting self-image as a learner, on which predominant negative results have referred almost exclusively to treatment by neighbors and family members in the community, and predominant positive results have referred primarily to student participation in school activities.

Community and parental approval of the program are suggested by the steadily increasing enrollment each year, under heavy competition from other school systems, and the absence of drop outs. The school also has enthusiastic participation in parent training activities, which focus on how to help children succeed in school by helping them at home, encouraging attendance and effort, and similar concepts.

EVALUATION

The school is evaluated annually by the Navajo Tribal Division of Education. The following is a quotation from the 1982 evaluation report, which focused on the locally developed curricula: "The materials are well developed and have clearly organized objectives. They are an impressive accomplishment for the program. In considering that the materials are an excellent base for curriculum development, this evaluator will address suggestions for improvements in this already good product." What followed were suggestions for teachers on how to further utilize the materials.

The Tribal Division of Education also provided us with test results for all other BIA schools in the Navajo Area (something never before available to us). Attached is a series of graphs comparing the school's Spring 1983 CTBS test scores for reading, math, language and total battery with both the overall Navajo Area averages, and with those of the nearby Eastern Navajo Agency BIA schools. It should be noted that Borrego Pass Students' test scores start out below those of the comparison schools (since we teach primarily in Navajo in the early years). However, there is a dramatic acceleration in the fourth through sixth grades, during which years students in other schools begin to "top out" and slow down. We believe this is a trend worth watching.

CONTACTS

For further information on the project, or products, contact:

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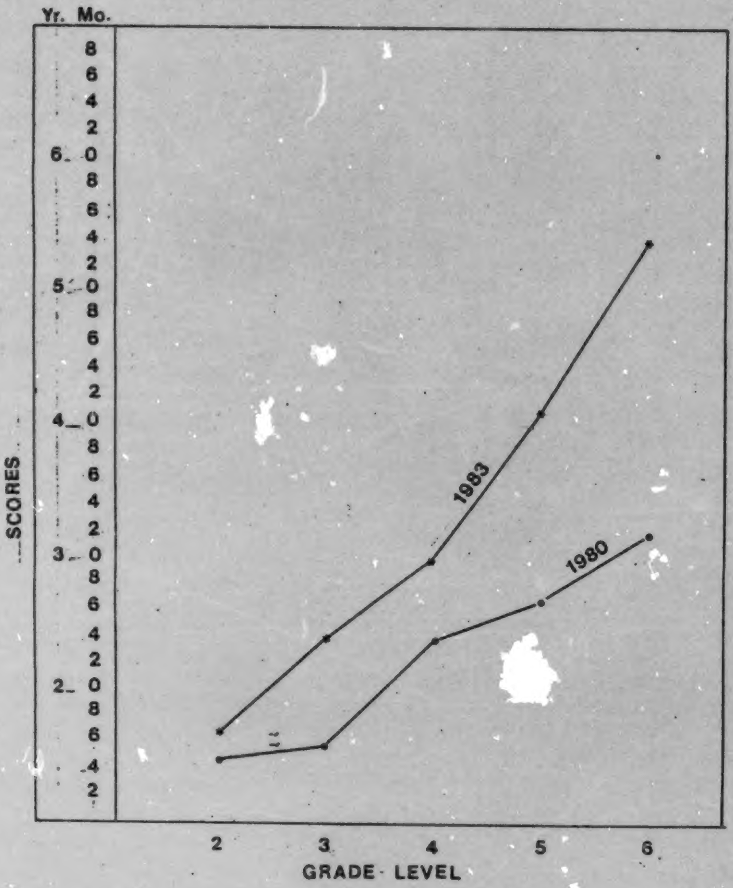
Phone (505) 786-5237
(505) 786-7211

BORREGO PASS SCHOOL

Comparison of CTBS test results
Administered May 1980 and May 1983
Mean Total Battery Grade Equivalent Scores



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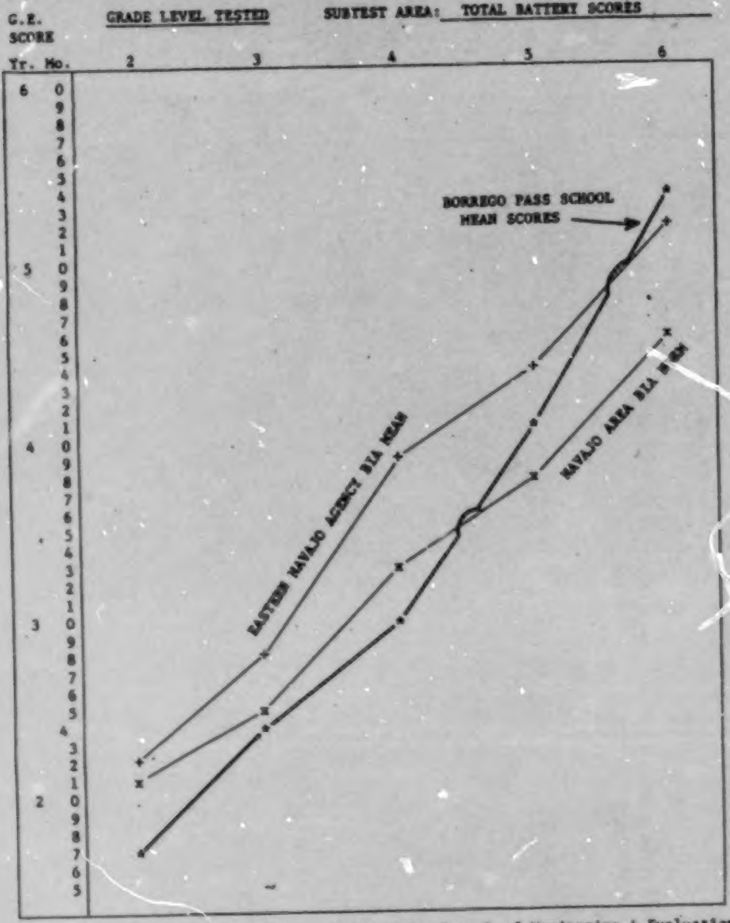
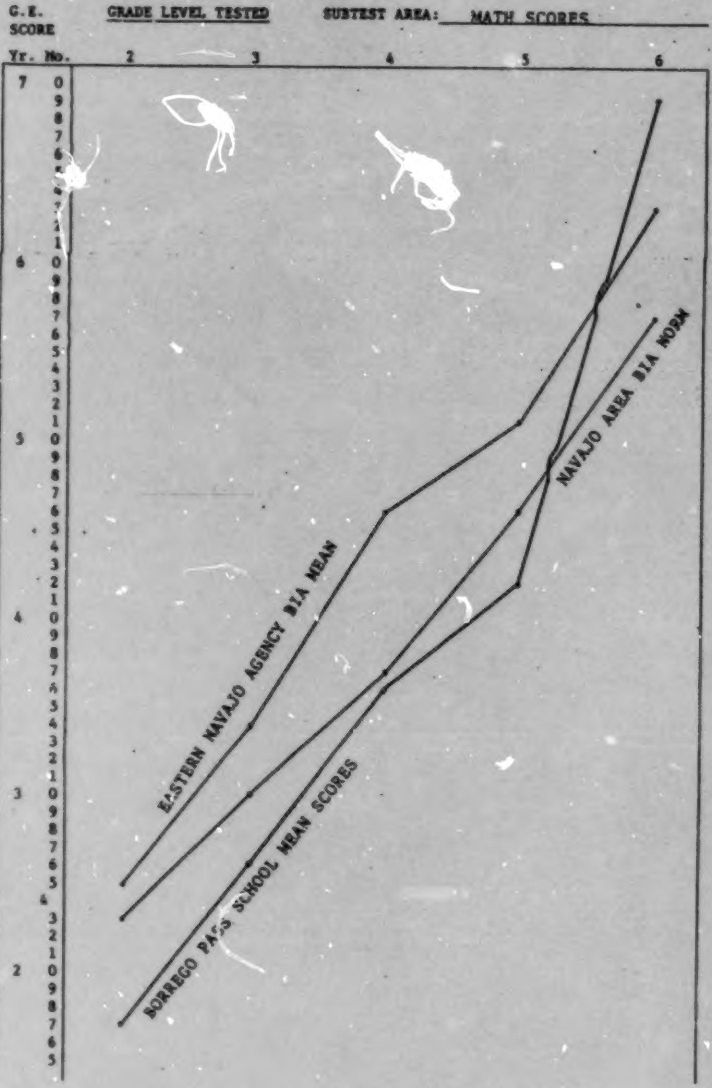
MEAN GRADE EQUIVALENCY SCORES ON CTBS TESTS ADMINISTERED MAY 1983 - NAVAJO BIA



SOURCE: Navajo Tribal Division of Education Branch of Monitoring & Evaluation unpublished report establishing BIA norms for SY 1982-83.

MEAN GRADE EQUIVALENCY SCORES ON CTBS TESTS ADMINISTERED MAY 1983 - NAVAJO BIA



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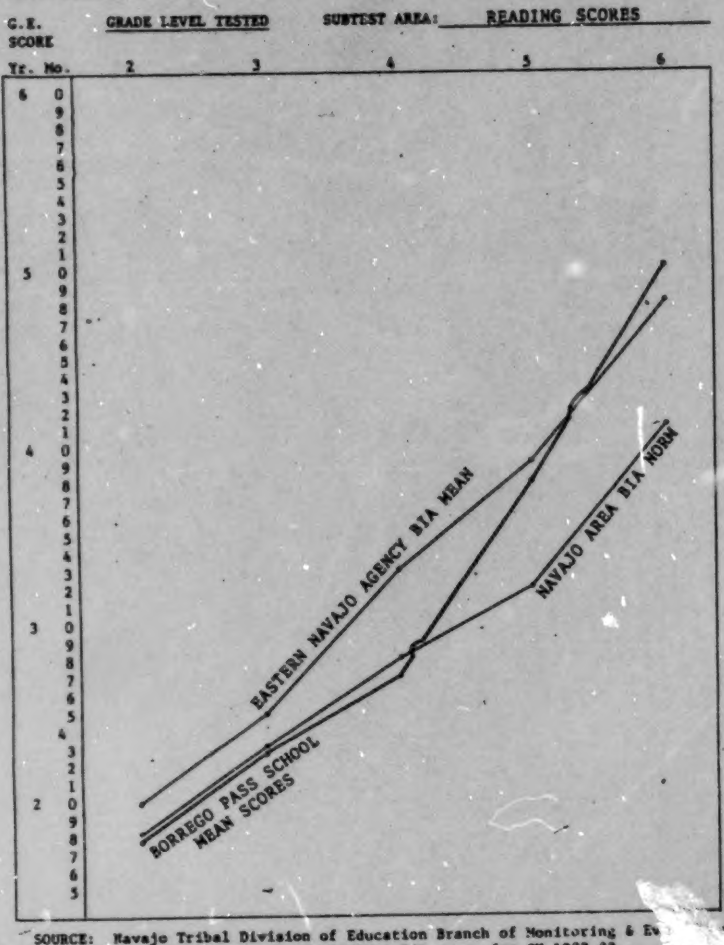

SOURCE: Navajo Tribal Division of Education Branch of Monitoring & Ev[illegible]
unpublished report establishing BIA norms for SY 1982-83.

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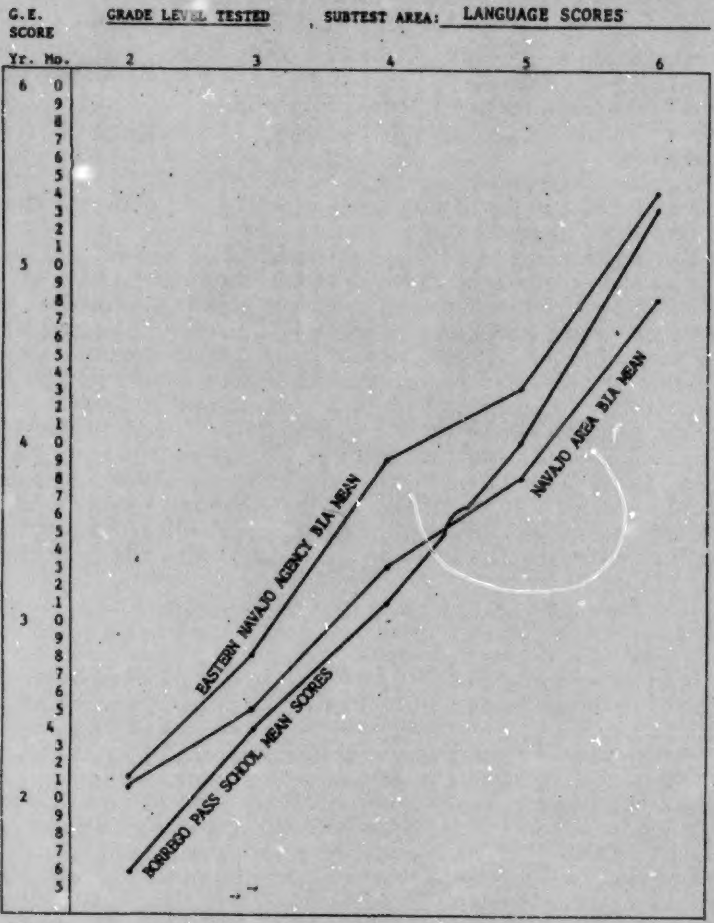
MEAN GRADE EQUIVALENCY SCORES ON CTBS TESTS ADMINISTERED MAY 1983 - NAVAJO BIA



SOURCE: Navajo Tribal Division of Education Branch of Monitoring & Evaluation unpublished report establishing BIA norms for SY 1982-83.

Senator DECONCINI. Ms. Warrior.

STATEMENT OF DELLA WARRIOR, DIRECTOR OF INDIAN EDUCATION, ALBUQUERQUE PUBLIC SCHOOLS

Ms. WARRIOR. Senator DeConcini and representatives of the Senate Select Committee on Indian Affairs, my name is Della Warrior. I am the director of Indian Education for the Albuquerque Public Schools. Thank you for this opportunity to speak before the committee.

The title IV legislation with its emphasis on the special educational and culturally related needs of Indian children and the involvement of those parents of those children who are participating in the program is a conscious and successful attempt to provide an educational environment in which Indian children can succeed.

Test scores and grade point averages of Native American students are rising and they are showing a greater interest and involvement in their schools. Dropout rates are declining.

While significant achievements have been made, no educator who works with Indian children or person who is genuinely concerned with the education of Indian children feels that the job is almost done or that the goal is in sight. Progress is being made but there is still a lot of work to do. The number of Indian youth is growing at least twice as fast as the national average and the system needs to provide new approaches that will result in continued success rather than relying on unsuccessful patterns from the past.

I do have documentation in my written testimony that talks about the reduction in dropout rates but I will not go into that at this time.

Without a strong title IV, part A program, Albuquerque public schools would be impacted in the following ways: There will be a significant reduction in the number of Indian students who can receive any kind of special help or special attention. Consequently we feel that their academic performance and their overall success in school will begin to decline. We would see a decrease in the gains that we have made in Indian education as a whole that has been helped by title IV. There would be a significant reduction in the numbers of Indian persons that are currently providing role models within the school system. There would be a significant reduction in the information that goes to the Indian community, therefore, we would see a decline in parent participation in school affairs.

We feel that as a result of title IV, Albuquerque public schools has improved their capacity to educate Indian students. One generation of Indian students has been served. Title IV programs are effective and their impact is just beginning.

To insure that these educational improvements continue and as an investment in the future of Indian people we urge that: No. 1, Congress reaffirm the commitment to Indian education by supporting the Federal role in Indian education;

No. 2, that Congress commission a national study on Indian education that provides current data on the status of Indian education at all levels;

No. 3, that Congress revamp the Government policy on Indian education in order that it might address the Federal Government's moral and legal commitment to Indian education.

The policy statement must be coupled with access to resources necessary to implement improvements in Indian education; and

No. 4, that Congress fund Indian education programs at a level that will insure their success.

I have some more specific recommendations that pertain to the title IV legislation itself. These recommendations come from a group of title IV, part A project directors within the State of New Mexico.

We are specifically recommending the following changes in title IV legislation to improve the quality of programs presently provided and to increase the progress of the Indian students: No. 1, establish a regular proposal timeline to allow for planning and programming development on a systematic basis that will involve the parents;

No. 2, provide notification of final grant awards with enough time to hire and retain a quality staff in the coming program year;

No. 3, provide regular and timely monitoring of projects from the Office of Indian Education program staff in Washington, DC;

No. 4, provide an official document within the application for parent committee signature for a proposal and budget changes;

No. 5, provide language in the regulations that would allow part A programs to be contracted to community organizations for school districts who do not wish to apply for title IV funds;

No. 6, provide language and regulation for community needs assessment;

No. 7, reinstate language in the regulations that allow parent committee members to be appointed by tribal councils;

No. 8, provide language in the regulation that stipulates school districts establish a policy on capacity building;

No. 9, provide for multiyear funding for title IV to promote efficient, successful programs;

No. 10, provide a consistency in staffing and interpretation of the regulations from the Office of Indian Education program staff;

No. 11, enforce Indian preference in the Office of Indian Education in Washington, DC;

No. 12, clarify NACIE's role and seek greater Indian input into their appointment;

No. 13, review and realign funding of the resource centers to be consistent with the rest of the title IV funding cycle; and

No. 14, develop a clear method of appropriating title IV funds rather than maintaining the arbitrary pattern developed during the past 10 years.

Short-term funding for nonintegrated Band-Aid programming will not remediate longstanding educational deprivation.

The Albuquerque Public Schools Indian Education Program provides a clearly conceived, integrated approach. We have other Federal programs but they are not duplicative and they are very well coordinated.

Any reduction in staff or services in one program causes repercussions in other programs by reducing or removing supplementary support functions.

If education is the key to self-sufficiency for American Indians, then the public school districts must have adequate funding sources to provide the necessary and rightful services dictated by the special educational and cultural need of American Indian students on an ongoing basis.

In conclusion, it must be noted that while there has been a national focus on excellence in education, Indian people are still striving for equity in education. A nation at risk will not have excellence in education as long as disparity prevails in education. The goal of excellence in education can be achieved if the Federal Government assumes a leadership role in the pursuit of this excellence. Thank you very much.

Senator DECONCINI. Mrs. Warrior, thank you very much for your remarks. Your prepared statement will be entered in the record at this point.

[The prepared statement follows:]

PREPARED STATEMENT BY DELLA WARRIOR, DIRECTOR OF INDIAN EDUCATION, ALBUQUERQUE PUBLIC SCHOOLS

Until the 1960's Indian Education had been almost synonymous with schools operated by the Bureau of Indian Affairs, separated both physically and philosophically from the educational concerns of non-Indians. When a significate number of Indian children began to attend public schools, they were not as successful as non-Indian children in adapting to the classroom culture of the American School. Because of these two reasons, special concern has been give to "Indian Education": as a unique subject and to facilitating the improvement of the quality of that education.

The Merriam Report of 1928 first brought the inadequacies, archaisms, and cruelties of the existing BIA educational institutions to public notice resulting in research that produced a body of data which includes a plethora of varied and often conflicting suggestions by educators, psychologists, and anthropologists as to how the deplorable state of Indian education could be improved. The reaction eventually resulted in programs such as Johnson O'Malley and Title IV. The specific issues which were discussed then are the areas on which "Indian Education" programs focus now and on which the same discussion continues. The Merriam report highlighted the need for a modern point of view on education, one which recognized that upbringing in the natural setting of the home and family life promoted learning. It recommended an educational system that was less concerned with an acculturating school system and more with the understanding of human beings.

The Title IV legislation with its emphasis on the special educational and culturally related needs of Indian children and the involvement of the parents of those children who are participating in the program is a conscious and successful attempt to provide an educational system in which Indian children can succeed.

Test scores and grade point averages of Native American students are rising and they are showing a greater interest in an involvement in their schools. Dropout rates are declining. While significant achievements have been made, no educator who works with Indian children or person who is genuinely concerned with the education of Indian children feels that the job is almost done or that the goal is in sight. Progress is being made but there is still a lot of work to be done. The number of Indian youth is growing at least twice as fast as the national average and the system needs to provide new approaches that will result in continued success rather than relying on unsuccessful patterns from the past.

In the Albuquerque Public Schools, 3,000 Indian students attend schools with 73,000 non-Indian students. They are a barely visible minority in many of the 117 schools. They represent over 100 different tribes and their characteristics are as varied as their tribal heritages. The population is dispersed throughout the city, the concentrations are in the community development areas, in the schools with high transity rates, with many children who speak English as a second language, and where family incomes are low. The numerous contributing factors in the life of an Indian student cannot be ignored or minimized when looking at the academic progress of an Indian student. Without programs, like Title IV that are concerned with the whole life of the Indian student, these children will remain at the bottom of the academic scores.

The Title IV Part A Indian Education Program was started in the Albuquerque Public Schools in 1973 and, during the past 10 years, the basic services that were initially met by the Title IV Program staff have resulted in the establishment of three district funded by the liaison positions and a district funded Indian Education Department. They have also been the basis for the development of three major programs that have received funding during the past 3 years. These programs are counseling and parental fund services under Johnson O'Mallley, English language development and multicultural curriculum K-12 funded under the Bilingual Education Act, and secondary social studies curriculum developed project funded under Title IV, Part B.

All of the needs that resulted in these programs were defined by the needs assessment process originating with the Title IV Part A Program. Originally the Part A monies were used to try to meet all of these needs—tutoring, counseling, social and parental services, and curriculum development, Each year it became more apparent that the needs were greater than the options available from one funding source.

The result has been programs that are carefully integrated to provide a variety of interrelated services based on a community and scholastic needs assessment. The programs are used concommitantly to reinforce academic career planning and participation in school activities as well as meeting certain culturally related needs. The Indian Education Programs are incorporated into the school district as an integral part of the education process for as many Indian students as possible.

The present Title IV Part A Program concentrates on tutorial services. An hourly tutoring program has been established for Indian students in grades K-12 and serves Indian students from metropolitan Albuquerque, Isleta Pueblo, and Canoncito Navajo Reservation. Indian children in grades K-5 receive reinforcement in language, arts and mathematics, individually or in small groups. At the secondary level tutors are provided based on specific subject needs.

Each year records and evaluation reports indicate that the majority of Indian students served by the Title IV Program have shown significant progress, especially in the academic area. Professional feedback for teachers, counselors, and other school personnel have always indicated excellent progress from the students in subjective areas such as study skills, assignment completion, and effective development such as classroom behavior.

In 1982-83 87% of the elementary students in the hourly tutorial program showed progress. The grades of 70% of the secondary students who were served improved or remained the same (above F). In 1983-84, 83% of the elementary students showed progress and 57% of the secondary students maintained or improved their grades.

Additional longitudinal data is needed to develop a clear pattern of educational progress for the APS Indian students. However, the data indicates that Title IV in APS is doing a good job and one that is appreciated, wanted, and needed by the district. The data also indicates that the job is not finished. Indian students have not reached parity in test scores. The special educational and cultural needs of Indian students must have adequate attention for education parity.

In addition to promoting progress for the students, the Title IV Program has also promoted parental involvement. Prior to the organization of the Title IV Parent Committee, Indian parents had little knowledge, less understanding, and practically no involvement in what was occurring in the school district. The Parent Committee meetings and the communication efforts of the staff (parent-teacher conferences, progress reports, newsletters) have encouraged more parental participation at the school level. The parents have become involved in the education of their children through the needs assessment, proposal, public hearing and evaluation processes, and have strengthened their organizational and leadership abilities through hands-on experiences and training sessions.

Coupled with the growth of Indian parent involvement has been increased awareness at the school level as a result of the perspectives shared by the Title IV staff serving the schools. The school district has become more aware of the availability of qualified Indian professionals in all educational areas.

The Title IV A Program is APS has provided students with the following benefits:

1. Annually since 1973, between 50–70% of the APS Indian students receiving tutoring from the Title IV Program have improved or maintained their subject letter grade. This percentage is documented in the annual external evaluation reports for our Title IV Program.

Each year more students receive tutoring help. In the past three years the program has doubled in size. In the urban component alone, 226 students were served in 1981–82, 318 in 1982–83, and 578 in 1983–84. Already this year, 495 referrals have been processed.

2. In 1972, according to a report published by the U.S. Office of Indian Education Programs, the national drop-out rate for Indian students was between 39–48%. In 1984, in New Mexico the Indian student drop-out rate was 12.3%. While we cannot attribute this improvement exclusively to Title IV, it must be recognized that Title IV has played a major role in contributing significantly toward this improvement.

Title IV has provided supportive, caring adults for the students in an environment that can seem cold and confusing. Over 60% of the staff are Indian people who are surviving in and are respected by the schools they serve. They are role models who are proud of their heritage and proud of their role as tutors. We have a tremendous staff of tutors, Indian and non-Indian.

3. Within the past five years, the numbers of Indian studen[illegible]sfully passing the New Mexico High School Proficiency Exam has greatly [illegible] from 47% in 1979 to 71% in 1984. In APS, 91% of the Indian students pas[illegible] N.M.H.S.P. in 1984. In comparison, 98% of Anglo students passed the proficiency test. It is our feeling that as we begin providing tutoring at the lower grades, and continue through out their school career, benefits of tutoring become more evident at each grade level.

4. There has been a visible increase in Indian student participation in school activities/groups such as sports, band, honor roll and others.

Through a program emphasis on encouraging student participation in these activities, staff have observed Indian students in increasing numbers participating and being recognized in all of the above categories. Each year the APS Indian Education Department gives a greater number of certifications recognizing good grades, high achievement in all school activities, and recognition for special accomplishments. At least 20% of our student population receives such awards annually. Research indicates that students who participate in school activities have a better chance of completing their high school education.

Without a strong Title IV Part A Program, APS will be impacted in the following ways:

1. There will be a significant reduction in the number of Indian students who can be served due to reduction in staff and types of services.

2. There will be a significant decrease in the student and program progress that has occurred over the past years.

3. There will be a significant reduction in the number of Indian persons serving as role models within the school system.

4. There will be a significant reduction in information provided to the Indian community, resulting in a reduced participation in school affairs.

As a result of Title IV, APS has improved their capacity to educate Indian students. One generation of Indian students has been served. Title IV Programs are effective and their impact is just beginning. To insure that these educational improvements continue and as an investment in the future of Indian people, we urge Congress:

(1) Reaffirm their commitment to Indian education by supporting the federal role in Indian Education;

(2) Commission a national study on Indian education that provides current data on the status of Indian education at all levels;

(3) Revamp the government policy on Indian education in order that it might address the federal government's moral and legal commitment to Indian education. The policy statement must be coupled with access to resources necessary to implement improvements in Indian education;

(4) Fund Indian Education programs at a level that will insure their success.

We are specifically recommending the following changes in Title IV legislation to improve the quality of programs presently provided and to increase the progress of the Indian students.

(1) Establish a regular proposal timeline to allow for planning and program development on a systematic basis that will involve the parents.

(2) Provide notification of final grant awards with enough time to hire or retain quality staff for the coming program year.

(3) Provide regular and timely monitoring of projects from IEP Washington staff.

(4) Provide an official document for parent committee signature for the proposal and budget changes.

(5) Provide language in the regulations that would allow Part A programs to be contracted to community organizations where school districts do not apply for Title IV funds.

(6) Provide language in the regulations for community needs assessments.

(7) Reinstate language in the regulations that allow parent committee members to be appointed by tribal councils.

(8) Provide language in the regulations that stipulates school districts establish a policy on capacity building.

(9) Provide for multi-year funding for Title IV to promote efficient, successful programs.

(10) Provide a consistency in staffing and interpretation of the regulations from IEP staff.

(11) Enforce Indian Preference in IEP staffing in Washington D.C.

(12) Clarify NACIE's role and seek greater Indian input into their appointments.

(13) Review and realign the funding of the resource centers to be consistent with the rest of the Title IV funding cycle.

(14) Develop a clear method of appropriating Title IV funds rather then maintaining the arbitrary pattern developed during the past 10 years.

Short term funding for non-integrated band-aid programming will not remeditate long standing educational deprivation. The APS Indian Education Program provides a carefully conceived, intergrated approach. Any reduction in staff or services in one program causes repercussions in other programs by reducing or removing supplementary support functions. If education is the key to self-sufficiency for American Indians, then the public school districts must have adequate funding sources to provide the necessary and rightful services dictated by the special educational and cultural needs of American Indian students on an on-going basis.

In conclusion, it must be noted that while there has been a national focus on excellence in education, Indian people are still striving for equity in education. A nation at risk will not have excellence in education as long as disparity prevails in education. The goal of excellence in education can be achieved if the federal government assumes a leadership role in the pursuit of excellence.

Senator DECONCINI. Mr. Graham, do you have some testimony?

STATEMENT OF PATRICK E. GRAHAM, SPECIAL PROJECTS DIRECTOR, WINDOW ROCK UNIFIED SCHOOL DISTRICT, FORT DEFIANCE, AZ

Mr. GRAHAM. I think Mr. Maldonado and Ms. Warrior have done an excellent job of summarizing our concerns about the program.

On behalf of the Window Rock Unified School District and particularly public schools in Arizona that are on Indian reservations and are serving a large number of Indian students, we think title IV is the most successful single Federal supplemental program we have right now in addressing the diverse academic and culturally related needs of Indian students and our overwhelming concern is that the program be reauthorized and be continued. We would totally endorse the testimony of Ms. Warrior and Mr. Maldonado.

Senator DECONCINI. Thank you very much. Let me ask you a question. The role of the parent committees is very important to the project's success, as we have all mentioned. We will be hearing from members of parent committees later this morning.

Do you feel that our recent amendment, when we reauthorized title IV this fall requiring the written approval of the parent committees for grant projects, insures the continued involvement and input of the parent committees? Is that a positive thing? Ms. Warrior, would you respond?

Ms. WARRIOR. I think to have the requirement in there is a very positive thing. It promotes partnership between the school and the parents. Without that requirement, I think we will see an erosion of that partnership.

Senator DECONCINI. Do you agree?

Mr. MALDONADO. I agree.

Senator DECONCINI. Mr. Graham.

Mr. GRAHAM. I totally agree with that. I would say that in our situation, because of Public Law 95-561 and the fact that we have large amounts of impact aid coming in, our school district made that commitment. We totally endorse what was done in H.R. 11 to get the parent committee sign-off restored.

Senator **DeConcini**. Should there be any other legal requirements spelled out in title IV to insure the input of parent committees in any of your judgments or is it sufficient now?

Ms. **Warrior**. I believe it would be good to put a form back in the application where the present committee does sign off on the application. I think that would be a lot better because now it is not really written approval. It is not clear if we should have minutes or letters in the applications, or if it is sufficient to have them on file. It would be a lot better if we did have some kind of form within the application itself.

Senator **DeConcini**. Do you concur with that? Should it be in the application?

Mr. **Maldonado**. This last year's title application, our program, simply ran it through the program. The parent committee told them what we we're doing and why we had to do it this way. I do feel that a form within the application would clarify it much better for parents, program directors, and so forth.

Mr. **Graham**. I agree.

Senator **DeConcini**. Thank you very much.

Let me ask the staff if they have any questions. Michael? If you do, now is the time to do it. Anyone over this side.

Yes.

Ms. **Warrior**. I do have one more comment that I refer to in my recommendations as capacity building. I would like to see within the application something that requires school districts to specify how they will use title IV moneys to develop their capability in serving Indian students; assuming that there will be some point in time when we will not have title IV funds.

This is done with title VII legislation and it has been very effective.

Within our school district we are working toward building our capacity. We had several positions funded with district funds, specifically for Indian students. Other school districts, I believe, are not making any steps toward picking up some of the staff from the title IV programs either in the regular program or after the program ends.

Senator **DeConcini**. I want to thank you very much, Ms. Warrior, particularly for coming all the way from Albuquerque for these hearings. It is helpful to us and I have had a chance to look partially at your full statement and there are some very constructive suggestions as well as from the other members and Mr. Graham coming from Window Rock.

We appreciate the effort and I can assure you that shortage of time is due partly because of the location of where we are. We thank you for your participation.

Ms. **Warrior**. Thank you.

Senator **DeConcini**. Mr. Graham, your full statement will be included in the record at this point.

[The statement follows:]

PREPARED STATEMENT OF PATRICK E. GRAHAM, SPECIAL PROJECTS DIRECTOR WINDOW ROCK UNIFIED SCHOOL DISTRICT, FORT DEFIANCE, AZ

Regarding Part A of Title IV of the Indian Education Act, P. L. 92-318

I. INTRODUCTION

Our basic and compelling concern related to Title IV of the Indian Education Act is the drastic need for continuation of the program. We are very apprehensive that there may be increased efforts at the federal level to eliminate the Title IV program.

II. BENEFITS

The attached documentation is submitted in an effort to briefly describe the benefits of the Title IV program in our district. There is no overlap or duplication between Chapter One and Title IV. Although Chapter One does address real needs of our students, Title IV permits greater flexibility in addressing the overall academic and culturally-related needs of Indian students which may not directly or totally involve reading and math.

III. CONCERNS

A. We would like to see the program fully reauthorized for a five-year period and the re-establishment of multiple year grants. This would provide much more stability and enhance the planning and overall benefits of the program.

B. We have been concerned about regulatory changes initiated by the U.S. Department of Education that have attempted to dilute Indian parental involvement in the operation of the program. Other changes seem to indicate that, especially due to the federal reduction-in-force over the past few years, the staff of the Title IV office in Washington are not adequately familiar with the real educational needs of Indian students.

C. A problem has arisen this year in respect to the cash flow process from Washington. Major grantees will receive four payments, August, November, March, and June. When, due to computer malfunction, the November checks were delayed, many of us had difficulty in meeting our payroll. The same situation may occur in March and June.

D. We think that the role and responsibilities of the Resource Centers created to assist Title IV projects need to be reviewed by Congress. These Centers have provided significant assistance, especially to smaller projects, but we believe that their real effectiveness is being limited by the regulations imposed upon them by the U. S. Department of Education.

For example, if the Centers were permitted to evaluate smaller projects, it would save money and be more effective than having to have outside evaluations.

E. Congress has a legitimate need to know that the Title IV program is successful. We would hope that public hearings such as this and compilation of documentation by local programs, perhaps coordinated through the Resource Centers, would be the avenues used to obtain such information. Congress has allocated several million dollars during the past ten years for national evaluations of Title IV programs and we have not observed any real benefits from these evaluations, particularly in respect to providing information to Congress.

TITLE IV, PART A
INDIAN EDUCATION ACT, P.L. 92318

PROGRAM DOCUMENTATION

I. INTRODUCTION

The Window Rock Unified School District is a public school district located in Apache County in northeastern Arizona. It is located entirely within the Navajo reservation and the eastern boundary of the District is the Arizona-New Mexico state line.

The District has an overall student enrollment that averages 2800, 95% of whom are Native Americans. Over 60% of the students qualify for free or reduced lunch programs and some 40% are identified as being from homes where English is not the predominant language.

The District has been involved in Part A of Title IV of the Indian Education Act since the program was first enacted by Congress.

II. TITLE IV PROJECT, 1984-85

For the current school year, the District will receive $355,592 under Title IV, Part A. These funds enable the District to employ six full-time professional staff members (5 of them Navajo) and ten full-time para-professional staff members (all Navajo). Five additional professional staff members are employed as supplemental, part-time, contracts to provide an evening school program.

The major activities provided by the Title IV-A project include:

A. Alternative Education - both daytime and evening programs are provided for students demonstrating difficulty in coping with the normal curriculum of the school and for those who have, because of marriage, work or other responsibilities, have been forced to drop out of school prior to earning their diplomas;

B. Language Improvement - special programs, particularly utilizing the Navajo language, are offered to assist students who come from predominantly Navajo-speaking backgrounds and are experiencing difficulty in making the transition to speaking, understanding, reading, and writing English;

C. Counseling - bilingual counselor trainees assist in providing effective counseling programs for elementary students;

D. Cultural Media/Arts - Title IV staff members assist in adapting instructional materials to make them more compatible with the life-style and heritage of the students and encourage students to use and develop their traditional skills in ways that enhance the overall learning process.

E. Student Support Services - including home/school liaison, and after-school enrichment programs.

III. PROGRAM ACHIEVEMENTS

A major accomplishment provided by the Title IV program over the past 12 years has been the opportunity for the District to experiment with new and innovative programs designed to meet specific needs of Indian students. To the extent possible, under the District's budget limitations, these pilot programs have been absorbed into the regular budget and program of the schools.

Examples include:

A. A Navajo-oriented horticultural program for the Middle School. This program, started under Title IV five years ago, proved highly successful with students. The District has constructed a greenhouse as an integral part of the Middle School complex and the program is now essentially funded by the District as a regular component of the curriculum. A special textbook, incorporating related Navajo values and traditions, is being prepared. There is strong demand from the students to expand this program into the high school.

Similar projects have now been initiated at the elementary level and for high school special education students.

B. Development of effective bilingual/multicultural programs for all grades.

These activities have included employment of qualified Navajo bilingual staff to provide specialized assistance in curriculum revision, in offering culturally-relevant academic programs for students, and in developing supplemental materials that are locally and culturally more meaningful to students than most of the commercially available materials.

Many of the materials that have been developed for use within the classrooms have become highly popular and there have been constant requests, which the District has not been able to fully meet, from other schools for copies of the materials.

C. Alternative Education Programs - The District has utilized Title IV funds to design and offer a variety of innovative programs aimed at addressing the needs of students experiencing difficulty with various aspects of the regular curriculum, including those who have dropped out of school.

An evening program offering basic high school courses has demonstrated great success in meeting the needs of students, particularly those who have dropped out due to marriage, the need to go to work, etc. Over 60 students have participated in this program annually and a number who would not otherwise have been able to do so have obtained their high school diploma or GED each year.

One of the most successful alternative programs, especially in terms of national exposure, was Project SAW (Solar, Adobe, Wind). This component, lasting three years, enrolled high-potential drop-out students in a self-contained classroom situation. The curriculum was designed to cover all basic subject matter, but was tied into a vocational program based on technology. An outgrowth of this program, assisted by a grant from the U. S. Department of Energy, was the design and construction by students of a solar house, built out of rammed earth and incorporating traditional Navajo concepts. This project was filed by Sesame Street and featured in 1-2-3 Contact magazines as well as local newspapers. Many of the construction concepts are being incorporated into housing programs of the Navajo Tribe. Unfortunately, the instructor for this program went overseas and it is presently dormant.

D. Parental Involvement - A continuing problem in the District has been the need to overcome the historical barriers that have existed between the homes and the school. No matter how successful the programs of the school may be, they cannot attain full effectiveness without the support and involvement of parents. One effort of the District has been an out-reach program. Teachers have developed special parental involvement programs targeting students who are experiencing any difficulty in their academic work. Special materials are prepared and taken to the homes and parents are shown how to use the materials to help their children.

Another aspect of this program involves summer tutoring in the homes. Teachers identify students who need additional assistance and visit their homes on a regular basis during the summer. This program has been extremely successful and, typically, the entire family ranging from grandparents to pre-school children, want to be involved.

IV. PARENTAL INVOLVEMENT

Title IV has been a significant factor in creating increased parental involvement in the overall educational programs of the District. The District has established Parent Committees for each of the schools. These Parent Committees are provided information regarding the entire education program in order to assist them in effectively assessing unmet needs of designing appropriate supplemental programs.

Even though the Board of Education of the District consists of five Navajo parents, every effort is made to involve all parents in the development and operation of Title IV and other supplemental programs. The overall efforts of the District are designed to fully comply with the spirit and intent of P. L. 95-561, Title XI, Part A, regarding Indian parental and tribal involvement related to the receipt of Impact Aid funds.

V. OVERALL EFFECT

The Window Rock School District, as is true of virtually every public school on Indian lands, does receive significant amounts of supplemental funding, including such programs as Chapter One, Chapter Two, Title IV of the Indian Education Act, Johnson-O'Malley and Title VI-B. These funds will amount to almost $1.4 million in 1984-85.

It must also be recognized that the overwhelming majority of the students need special assistance in order to effectively participate in the normal academic programs of the District. A number of national studies have documented the significant impact upon students who come from a background that includes multiple factors normally considered "handicapping," such as bilingual home environment, lack of literacy, low economic levels, complex sociological problems, etc.

If Title IV funds were eliminated, the special assistance that the District is able to provide students would suffer substantially. There is no way that the District, under its present budget limitations, could absorb the programs presently offered. This does not necessarily mean they all would be dropped. A careful review of the overall educational program would occur and every effort would be made to save the most successful components of Title IV, but this process would necessitate the elimination or reduction of other program.s Thi process has, in essence, already been underway for the past four years, as both state budget limitations and the reduction or leveling off of federal assistance have forced the Dstrict and parents to carefully consider the value of all programs offered.

Essentially, all positions funded under Title IV would be eliminated with the loss of these funds. Due to the quality of the personnel employed under Title IV, and the normal turnover of school staff, it can be anticipated that many of the Title IV staff would be offered other positions in the District, however, these might not be positions that would utilize their particular talents and skills as effectively as the Title IV program is at this time.

PEGraham:12/3/84

Senator **DeConcini.** Our next panel is on title IV, parts A and B. We have John Tippeconnic, assistant professor, center for Indian education, Arizona State University; Rachel Moses, director of the American Indian Leadership Program, Arizona State University.

Mr. Tippeconnic, thank you for being with us. Please proceed.

STATEMENT OF JOHN W. TIPPECONNIC III, ASSOCIATE PROFESSOR OF EDUCATION, ARIZONA STATE UNIVERSITY

Mr. **Tippeconnic.** Senator DeConcini, it is a pleasure to be here. I, as you mentioned, am an associate professor of education at Arizona State University where I work in the center for American Indian education. I am also a past Associate Deputy Commissioner for Indian Education in the Office of Indian Education, Department of Education in Washington. I just completed a second term as president of the National Indian Education Association.

I come to you today to address two concerns: Indian preference in the employment of personnel for the Indian Education Program Office in the Department of Education and, two, the Indian Education Act, resource and evaluation centers.

First Indian preference. As you well know, the education of Indian people in this country has not been the best. The problems of the past and of the present are well documented.

One recommendation that is often cited in response to these problems is to involve Indian people in the education of Indian people. The most common approach to this has been to mandate involvement through legislation or by Federal policy. The Indian Education Act of 1972, the Indian Self-Determination Act of 1975, and the current Federal Government policy of self-determination are examples of this.

Aside from legislation and policy, I think it makes commonsense to involve Indian people in the education of Indian people. Conventional wisdom tells us that we will be more effective in working with people if we are interested, if we are caring, if we are committed, knowledgeable, sensitive, communicative, and with ability to listen.

The likelihood, I believe, is greater that a qualified and competent Indian person who possesses these qualities will be more effective in working with Indian people than a non-Indian.

The current situation in the Indian Education Program office is that there is no Indian preference. The result, in my opinion, has been drastic. There has been a drastic reduction in the number of Indian people working there.

Consider this: In 1980 there were 30 American Indians working in the title IV office. This represented 52 percent of the total staff of 57. Today, December 1984, there are two American Indians working in the office. This represents 4.5 percent of the total staff of 44. In 4 years the total number of American Indians employed in the title IV office has decreased from 30 to 2.

The response from the Department of Education has been that staffing is based upon expertise, knowledge and the capability of each person without respect to ethnic or racial identification. Further, the Department stated that it will continue to make every effort to recruit qualified Indians to staff the Indian Education Program's office. They believe it is not necessary to require statutory Indian preference policies. It is difficult for me to understand the reasoning behind this.

It is difficult to recruit qualified American Indians when the [illegible] no real formal recruiting effort. How can a recruiting program [illegible] effective when the title IV office is reorganized, and experiences reductions in force and budget reductions?

The concept of Indian preference is not new, nor is the recommendation to require Indian preference in the title IV office. The BIA, Indian Health Services, and part A of title IV requires some form of Indian preference.

The National Advisory Council on Indian Education, [NACIE], in 1975 recommended that Indian preference be implemented in the title IV office of Washington. Again this year in 1984 in their 10th annual report to Congress NACIE recommended that Indian preference be practiced in the title IV office in Washington.

I recommend that changes be made in the legislation to require and mandate the Department of Education to practice Indian preference in the Indian Education Program office.

I would like to make a few comments concerning the resource and evaluation centers.

The education amendments of 1978 amended part B of the Indian Education Act to allow for the establishment of regional resource and evaluation centers. They provide technical assistance to grantees and others who qualify as grantees.

The centers, although they have had a difficult time, I think are doing a job that is commendable and it has been shown in a research study by the Native American Consultants, Inc., in 1983 that they are doing a commendable job. There are some communication problems. There are some information flow kinds of problems with the office in Washington. [illegible] for the centers I think is also directly related to the capabilities and limitations of the Indian Education Program office in Washington.

The program office in Washington is limited by the number of people they have, by the time they can devote, by the expertise they possess and the understanding of Indian concerns and approaches. The center staff support the staff in Washington by providing technical assistance and communication and the majority I believe of the staff in these centers are American Indians.

I do recommend that these centers continue and that they be recognized. They do perform a very valuable function for the Indian Education Act programs. So I would like to thank you for your support of the Indian Education Act programs and also thank you for conducting field hearings in Phoenix.

Senator DECONCINI. Thank you very much.

Ms. Moses, we do not have your statement. Please summarize it for us, I do have some questions. Do you have any extra copies of your statement?

Ms. MOSES. I do, yes.

Senator DECONCINI. May we please have them? Thank you very much.

Mr. Tippeconnic, while she is getting ready, let me ask you a question. You make a very good argument on some preference for

Indian hiring and I have generally thought that was a very good idea.

Let me ask you this question. From your experience having served there and being not only in the academic area but other areas of Indian education, are there, in your judgment, competent native Americans to fill the positions that are in that office in Washington, DC? I am not familiar with what positions there are. I would like your candid opinion on that.

Mr. TIPPECONNIC. Senator, I do believe that there are competent American Indian people in this country who can assume those positions and be very effective.

Part of the development of Indian people, I think, is a result of this piece of legislation. Dr. Moses will talk about a piece of the legislation that prepares people. But, yes, I think there are. The effort has to be made to go out and recruit them.

Senator DECONCINI. Do you think that if that effort were made, that there is a pool out there, that you could find people to fill those positions who would be equal, as far as competence, to those who fill those positions now?

Mr. TIPPECONNIC. Yes, I do.

Senator. DECONCINI. That is very helpful.

Ms. Moses.

Ms. MOSES. I am sorry for being late.

Senator DECONCINI. That is understandable. The traffic in Washington, DC makes it difficult to drive around.

STATEMENT OF DR. RACHEL D. MOSES, DIRECTOR, AMERICAN INDIAN LEADERSHIP PROGRAM, ARIZONA STATE UNIVERSITY, TEMPE, AZ

Ms. MOSES. For members I have not yet met, my name is Rachel Moses. I work at Arizona State University. I am currently the director of the American Indian Leadership Program. It is funded under part B of title IV, Education Personnel Development, section 1005(d).

The program I have is presently in operation and has nine full-time Indian students. This program has been in operation since 1977. Throughout the years approximately 32 Indian people have received master's degrees. We have about two or three that are in the process now of completing their master's degree at midyear. We have one person who will be completing his education specialist degree hopefully by the end of the spring and we have one person who has received his doctor of education degree. We have two people that have received all the requirements but dissertation. We have approximately 10 people who have completed all the requirements with the exception of a master's thesis. These people are enrolled in the college of education at Arizona State University. They have nine disciplines in which they can make application to get specialized training. The area which most of the students seem to be emphasizing are educational, administrative, adult and higher education, and Indian education.

I am not sure if Dr. Tippeconnic mentioned the master's degree in Indian education at Arizona State University. A lot of the students that do come make application to the center for Indian education. It is a very prestigious program throughout the country. I receive calls every day from people who are interested in coming to Arizona State University and to the American Indian Leadership Program.

I will quickly discues some of the types of student support that we are providing to assist students.

We pay for in-State and out-of-State tuition. We provide a small book allowance of $75 per semester. Half of that is given during the summer session. That would be $37.50. We pay these students a $600 stipend. That is a monthly allowance. In addition to that we could provide them with $90 per dependent, but we have money for only two dependents. In addition to that, we have a small amount set aside for travel. This travel has to be in relation to a student's work at Arizona State University. We have some students who are currently working on research projects and they will be traveling to some of the outlying Indian reservations near ASU as well as to other areas throughout the country gathering data for their research.

We have a seminar in Indian education which is mandatory for the leadership student participants.

We are currently in the process of assisting some of the students who are doing research projects. We have a journal of Indian education at Arizona State University and our goal is to have students in the leadership program write an article which is of a publishable quality which they will submit to the Journal of Indian Education as well as other journals in adult or higher education or education in general.

I think I have covered most of what I want to quickly summarize in my statement. I want to discuss briefly what education personnel development programs do throughout the country and these are typical activities of what these tyes of programs do, what my program does in the State university. There are other programs in the country which are doing the same thing that this program is doing and there are some who are not currently funded who were funded in the past, but because of the legislation at the time they were not allowed to reapply for funds.

A program that I am very familiar with beyond the program at ASU was funded at the University of South Dakota. That program had 10 students per year and the students were being trained in educational administration.

Throughout the period of 1977 to 1982 that program trained approximately 50 to 60 master's degree students in educational administration and supervision.

I was not there at the very last year of its funding so I could not say whether the 10 students who were enrolled did receive their degrees.

The students from that program as well as the students from this leadership program, the majority of them upon graduation and completion of their program requirements, have returned to the Indian communities, have returned to Indian reservations and have returned to Indian organizations to assume leadership positions.

These programs are very useful throughout the country. I know a lot of the emphasis in title IV is for part A programs. I think we should continue supporting programs like programs in part B.

There are other types of programs in part B and I am not sure if anybody will be addressing them. There are educational services, planning pilot and demonstration projects. These are programs that are designed for Indian students but the program that I am specifically familiar with, or more familiar with, is the Education Personnel Development Program with which the American Indian Program is funded.

I think I have covered pretty much everything that I have within the time that I am given.

Senator DECONCINI. Thank you, Ms. Moses. Your full statement will be part of the record of these hearings.

Let me ask you, what is the followup procedures of these students? How do you know that they go back to the Indian community and use the professional skills they have acquired under the program? Do you have any followup or is that just based on hearing from them and kind of a grapevine of the community or educators?

Ms. MOSES. It is a combination of all of the above. I have been with the American Indian Leadership Program since May of this year. Throughout that period of time I have compiled a list of students who have been in the program and I have been working with the various offices at Arizona State University obtaining their current addresses. I have been able to contact the majority of the students. That is how I was able to determine they had received their degrees. Contacting them through letters I was able to determine the type of employment which they have accepted. This is one way of documenting that they have returned to the Indian communities. Another way is a lot of the former participants in the leadership program are interested in returning to obtain additional training beyond what they received. If they came to get a master's degree, they would be interested in coming back at an EEB level. We have one student who is interested in doing that this coming spring semester. This student has been out in the field, again in an Indian community, for a year and a half. He tentatively will be relocating to Arizona State University and he has been working in the Indian centers since he left the program with a master's degree a year and a half ago.

Senator DECONCINI. I applaud your program and I thank you for briefing us.

I think you said in South Dakota they have a program similar to this. Are there any similar programs in the southwest other than at ASU?

Ms. MOSES. There is a recently funded program at UCLA. I am not sure of the emphasis of the program but it is a new program. Because of the guidelines with which the programs are funded, it probably is at an institution of higher education. UCLA probably has the same format. I do not know how many students are enrolled in the program.

Senator DECONCINI. Do you agree with Mr. Tippeconnic that, with the proper search procedures there are ample native Americans with the criteria and the educational background to hold positions in the Indian Education Office?

Ms. Moses. Oh, yes, I completely believe that there are more than enough American Indian people who have received training at the professional level who are more than capable and qualified to assume any type of position.

Senator DeConcini. Is it mostly a lack of willingness on the part of the Office of Education to seek and make a better effort to find those people?

Ms. Moses. Yes; I believe that that would be one way of looking at it. That information is more than accessible with the programs that are currently in existence, which is like mine. If a person really wanted to get a listing of people who have received master's degrees and specialist degrees, doctor of education degrees, it would not be very hard to do.

With the way the regulations and the legislation have been in the past 3 to 5 years, it has just been very hard for Indian people to get into any type of professional position in Washington.

Senator DeConcini. Thank you, Ms. Moses. Your prepared statement will be entered in the record at this point.

[The statement follows:]

PREPARED STATEMENT OF DR. RACHEL D. MOSES, DIRECTOR, AMERICAN INDIAN LEADERSHIP PROGRAM, COLLEGE OF EDUCATION, ARIZONA STATE UNIVERSITY

Mr. Chairman and members of the panel on the Senate Select Committee on Indian Affairs I would like to thank you for this opportunity for allowing me to testify on S. 2496.

My name is Dr. Rachel D. Moses, I am at present the Director of the American Indian Leadership Program at Arizona State University, Tempe, Arizona. The American Indian Leadership Program sponsored by the Center for Indian Education at Arizona State University is funded by the U.S. Department of Education, Indian Education Programs, Title IV—Part B, Educational Personnel Development § 1005(d).

I would like to provide you with a brief overview of the types of programs available on a competitive basis in the following basic areas.

A. EDUCATIONAL SERVICES FOR INDIAN CHILDREN

The Educational Services Projects are designed to improve educational opportunities for Indian children by providing educational services that are not available in sufficient quantity or quality to those children; and enrichment projects that introduce innovative and exemplary approaches, methods and techniques into the education of Indian children in Elementary and secondary schools. Fundable activities include:

(1) Improving acquisition of basic academic skills; provide special educational services for handicapped, gifted and talented Indian children; stimulate interest in careers; establish after school educational centers; stimulate interest in tribal culture and organization; prevent dropout and reduce absenteeism; establish or improve pre-school education; including kindergarten; provide guidance, counseling and testimony services, or develop or improve instructional material.

B. PLANNING, PILOT AND DEMONSTRATION PROJECTS

To support planning, pilot and demonstration projects which are designed to plan for, test or demonstrate the effectiveness of programs for improving educational opportunities for Indian children, including:

(1) Activities designed to develop, test, replicate, or adopt curricular materials to improve academic achievement of Indian children; to implement successful educational practices to improve the academic achievement of Indian children; to implement programs related to the educational needs of educationally deprived Indian children, or techniques to lower the school dropout rate or reduce absenteeism among Indian children; programs designed for development, testing and validation or demonstration of materials appropriate for measuring the academic achievement of Indian children; or coordination of the operation of other federally assisted pro-

grams that may be used to assist in meeting the educational needs of Indian children.

C. EDUCATIONAL PERSONNEL DEVELOPMENT

To support Educational Personnel Development projects which are designed to prepare persons to serve Indian students as teachers, administrators, teachers aides, social workers and ancillary personnel; to improve the qualifications of persons serving Indian students in these capacities and to provide in-service training to persons serving Indian students in these types of positions. Projects funded through this category prepare participants for the following types of positions:

(1) Teachers, special educators of handicapped or gifted and talented students, bilingual—bicultural specialists, guidance counselors, school pyschologists, school administrators, teachers aides, social workers, adult education specialists or instructors, or college administrators.

I would like now to discuss the American Indian Leadership Program at Arizona State University, administered through the Center for Indian Education, within the College of Education. The following represent the program requirements, options, etc.

ADMISSION REQUIREMENTS

The following represent the Admission Requirements for the American Indian Leadership Program:

Admission to the program is possible only if the applicant has met both the Arizona State University Graduate College and individual Department requirements. The Leadership program requires that an applicant provide a completed application packet, in addition the selection criteria for participants in the program include that they:

1. Are of American Indian, Aleut or Eskimo descent.
2. Have illustrated a commitment to improving the educational opportunities for American Indians. (Both through their past experiences and future plans);
3. Have conveyed a sincere interest in pursuing a graduate degree in education for the purpose of building on the current knowledge base for American Indian education.
4. Have been admitted to both the Graduate College and the specific Department of their choice; and
5. Have an undergraduate degree in education or a related field.

A formal selection committee, composed of the American Indian Leadership Program Director, the Center for Indian Education Director and faculty, one/two A.S.U. faculty/staff and one community member complete the selection process.

ACADEMIC OPTIONS

As a division of the Center for Indian Education within the College of Education at Arizona State University, the American Indian Leadership Program offers an interdisciplinary approach to graduate programs of study in a variety of educational areas. Participants in the Leadership program may select one (1) of nine (9) discipline areas within the College of Education as their forms of study with graduate degrees obtained at the Master's, Education Specialist of Doctoral Degree. The following represent the nine discipline areas:

1. Counselor Education.
2. Educational Administration.*
3. Educational Psychology.
4. Educational Technology/Library Science.
5. Elementary Education.*
6. Higher and Adult Education.*
7. Indian Education.
8. Secondary Education.*
9. Special Education.

Coursework in the field of Indian Education is included in all programs of study of the participants in the Leadership program. In addition, American Indian Leadership Program participants are required to enroll and participate in the Seminar on Indian Education, Fall and Spring Semesters. The Seminar has been designed to identify, discuss and analyze critical issue areas in Indian Education research and

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*Offers doctor of education/philosophy of education degree options.

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leadership. During the present funding year, the Leadership Program participants are involved in individual research projects with the final research project to be a publishable article, and which will be submitted to the Journal of American Indian Education, Arizona State University for consideration.

STUDENT SUPPORT

The American Indian Leadership Program provides the following types of program support for the selected participants:

1. Tuition. Tuition fees are paid by the A.I.L.P. at the beginning of every semester and includes both in-state and out-of-state tuition.
2. Stipend. A monthly stipend in the amount of $600.00 per participant is provided at the first of every month.
3. Dependency Allowance. Each participant in the A.I.L.P. is allowed two (2) dependents per month allowance. The dollar amount of the dependency allowance is $90.00 per dependent.
4. Books. The purchase of textbooks is provided for through the A.I.L.P. Receipts must be submitted to the A.I.L.P. prior to any request for reimbursement. The total maximum allowable per semester at present is $75.00 for Fall and Spring Semesters, and $37.50 for Summer Session one and two.
5. Tutoring. The A.I.L.P. provides tutorial assistance if needed, to the participants. The students must identify the tutors and submit the billing to the leadership program.
6. Student Travel. The A.I.L.P. provides travel allowance for students to gather data for their research projects, to participate in local conferences as a presentor, a workshop facilitator, and at national conferences under the same premise.

PAST ACCOMPLISHMENTS AND ACHIEVEMENTS

The following represents a breakdown in terms of numbers of American Indian students who have received a graduate degree from Arizona State University with the assistance of the American Indian Leadership Program:

Types of degrees conferred

M.A. (master of arts)	32
M.Ed. (master of education)	6
Ed.S. (education specialist)	2
Ph.D. (doctor of philosophy)	1
ABD (all but dissertation)	2
ABT (all but master's thesis)	10
Total number of American Indian Tribes represented	41
Total number of American Indian males receiving a graduate degree from A.S.U. with assistance from the A.I.L.P	16
Total number of American Indian females receiving a graduate degree from A.S.U. with assistance from the A.I.L.P	25
Types of departments represented within the:	
College of Education—A.S.U.	
Indian education	12
Education administration and supervision	9
Adult education	1
Counselor education	5
Elementary education	5
Special education	7
Library science	1

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The American Indian Leadership Program has proven to be one of the significant graduate Indian Education programs within the Southwest Area. The following will further illustrate this statement:

1. The program has not only provided an opportunity for a number of American Indian educators to receive advanced degrees in Education but also has provided support to part-time summer students in addition to the regular full time A.I.L.P. participants. This support of part time students was provided continuously throughout the summer sessions during the entire A.I.L.P. funding cycles. Approximately 75 students have received funds in the form of tuition payments throughout the support of this program, in addition to the regular full time A.I.L.P. participant.

2. The A.I.L.P. participants have upon completion of the advanced degree requirements, returned to Indian reservations, Indian communities, and Indian programs in order that their professional training experiences would be available to those communities.

3. The A.I.L.P. participants have been provided with a unique learning experience which did involve incorporating academic and cultural activities throughout the A.I.L.P. participants program of study.

4. The Seminar on Indian Education which the A.I.L.P. participants are required to participate in is designed to identify, discuss and analyze critical issue areas in Indian Education research and leadership.

5. The A.I.L.P. Director and participants have attended numerous educational conferences and seminars and have presented position papers on critical issues in Indian Education.

6. The A.I.L.P. Participants have been provided with an internship activity as part of their programs of study. This internship activity has typically involved interning with an Indian Tribe, an Indian Organization, a public school with an Indian Education Program and with a Bureau of Indian Affairs school(s).

7. The A.I.L.P. has provided technical assistance, in-service training, lectures and proposal development for local schools, agencies, programs concerned with Indian Education.

8. Arizona State University is geographically located in the central part of the state and is surrounded by twenty (20) tribal reservations. The 1980 census ranked Arizona (83,035) third, only to California (133,944) and Oklahoma (103,316) in the total number of American Indians 18 years and over. This figure represents the population of voting age by state. This information was prepared by the National Congress of American Indian Staff, Washington, DC.

9. The location of American Indian Leadership Program is further justified by the large number of Indian people 18 years and over in the surrounding states of New Mexico, California, Utah, Colorado and Nevada. (21,750,708)

10. Arizona State Universities current and past commitment to the education of American Indians is exemplified by the establishment and continued operation of the Center for Indian Education, and its program of service, research and an academic program supported by University dollars.

I respectfully request the Senate Select Committee on Indian Affairs to support the American Indian Leadership Program and programs which are similar to the Leadership program and are funded under the Educational Personnel Development Section of Title IV—The Indian Education Act, Part B § 1005(d). The following figures do represent the funding levels of the Educational Personnel Development Sec. 1005(d) over a period of four years.

U.S. Department of Education Fiscal Year 1984 Indian Education (title IV) Budget Comparison

[In thousands of dollars]

Fiscal year 1981 appropriation	2.000
Fiscal year 1982 appropriation	1.920
Fiscal year 1983 appropriation	1.099
Fiscal year 1984 appropriation	1.200

As you can see the funding levels have varied, but have gotten much lower over a period of four years within this category of Part B, Title IV.

The following represents the needs of types of personnel to be trained through future funding cycles of the American Indian Leadership Program and similar programs funded under Title IV—Part B, § 1005(d).

1. American Indian education administrators, supervisors, teachers, and counselors who can effectively manage and teach in educational organizations established by Indian people.

2. American Indian administrators, teachers and counselors who can effectively manage and teach in the commonly found education systems. i.e. B.I.A. Schools, community colleges and mission schools.

3. Education technologists and research specialists who can develop innovative education programs that are meaningful and community based, i.e. research and development, proposal grant writing, evaluation techniques and strategies implementing change.

4. Adult education, special education, counselor education, and manpower development specialists who can effectively plan, administer, manage, counsel and teach in special education programs.

5. American Indian scholars who can write professionally to produce reliable and valid research docments on issues and innovative developments which can provide improvement in administration, instruction and counseling of Indian students.

6. American Indian educators who serve as models for the youth in ability, responsibility and leadership.

The American Indian Leadership Program is currently in its last year of funding from Title IV—Indian Education Programs—Part B—Educational Personnel development § 1005(d). The A.I.L.P. will re-apply for continued support to the Title IV program under Part B, based on the past achievements and accomplishments of the Leadership Program. There are presently nine (9) A.I.L.P. Participants in the program during this last funding cycle. There were five new applicants admitted Fall Semester, 1984, and there are four continued students from the previous year. It is anticipated that the four continued students will receive their respective degrees and that perhaps one or two of the newly admitted participants will be close to completion of their degree requirements at the end of the grant year.

The American Indian Leadership Program Office receives phone calls daily, as well as letters requesting information about the program, its future funding etc. We are now in the process of recruiting potential applicants for the next project year, and will be ready to operate the American Indian Leadership Program should it receive continued support from the Indian Education Programs—Title IV—Part B.

A last consideration that I would respectfully request the Senate Select Committee on Indian Affairs to consider is to fund discretionary grants, like the Leadership Program, on a continuing basis, rather than have the programs re-apply every 12 months. Because of the pre-project activities required to implement a project on time, once funds are received a lot of planning and commitments have to be done ahead of time, not only within the Leadership Office, but the College of Education at Arizona State University and administrative Offices, as well.

Thank you for your time and attention for allowing me to present written and oral testimony. If I can answer any questions or be of further assistance please do not hesitate to call on me at any time.

Senator DECONCINI. Mr. Tippeconnic, having served there yourself, do you really need a law that mandates that? Could not that easily be accomplished given the testimony that both you and Ms. Moses have given? Could not that be accomplished by the Secretary's directive or the head of that education division of part A to just go out and seek those people?

Mr. TIPPECONNIC. I do not feel it could be accomplished that way.

Senator DECONCINI. Why not?

Mr. TIPPECONNIC. My experience in the Department of Education and HEW is that the Indian Education Program and Indian education in general throughout the Department was high in interest, low in priority. People were interested and there was a lot of verbal things but when it came down to priority and commitment of resources, it was not there. The only way that I see that it could happen would be to mandate it and require it.

Senator DECONCINI. It always troubles me to mandate those things when they make such good commonsense, and I take your testimony as expert because I do not know that the available resources are there. Why they do not do it is beyond me. Is there a total disregard for the objective and the purpose of the program?

Mr. TIPPECONNIC. One of the real difficulties was that it was low in priority and people who were working in the office, many times, were career people that filtered down in the eyes of a lot of people to that level and were there because of reasons other than because they wanted to be there. There was no commitment on the part of a lot of people. No matter what we did internally, it was not enough. The force of law, I think, is needed in order for it to really happen.

Senator DECONCINI. Thank you very much for your testimony. It was very helpful to the committee.

Does the staff have any questions?

Mr. TIPPECONNIC. Thank you very much.

Senator DECONCINI. Thank you for being with us.

Our next witness is Hayes Lewis, Assistant Superintendent, Zuni Public School District of New Mexico, accompanied by Ruby Wolf, member of the Zuni Board of Education.

If you will summarize your testimony, your full statements will be in the record for the full committee to review.

STATEMENT OF HAYES LEWIS, ASSISTANT SUPERINTENDENT, ZUNI PUBLIC SCHOOL DISTRICT, ACCOMPANIED BY RUBY WOLF, BOARD MEMBER

Mr. LEWIS. Good morning, Senator DeConcini.

Senator DECONCINI. Good morning.

Mr. LEWIS. Staff and concerned people who are gathered here, my name is Hayes Lewis. I am assistant superintendent for the Zuni Public School District and to my left is Ruby Wolf, one of our board members.

I would like to cover two issues that we presented in our written testimony this morning and have Mrs. Wolf talk a little bit about Indian control under title IV, the parent committee as it operates in our district.

The first issue we have is unique to Zuni Public Schools and to the Zuni Indian Reservation. This is the issue of recognition of our status as an Indian controlled school district in the title IV regulations regarding the discretionary grants.

To give you a little background, the Zuni Public School is entering its fifth year of operation. From the beginning, about 14 years ago, as we planned for the creation of the Zuni Public School District, we involved parents, tribal council, and tribal governments in this planning.

When we took control in 1980, we had a Zuni Board of Education and that continues to this day. We have a board currently of three women and two men, all from the Zuni community.

Our problem is that we are a major educational institution on the reservation and have been looked on by the tribe to provide certain kinds of services for the pueblo and the citizens of Zuni.

As we go after special kinds of funding to raise the educational level and opportunities for our citizens, we find that we are hampered by the regulations that do not specifically recognize Indian controlled public school districts as it does Indian organizations and Indian institutions.

Last year we had an opportunity to try to work this out and as a local educational agency in the State of New Mexico we did not receive 25 bonus points that other Indian institutions and organizations received, and so our substance abuse program was not funded.

We are requesting that your committee review the regulations and the law to include any controlled public schools in the definitions and in the application process for discretionary grants.

We feel that there is a coming trend of Indian controlled public schools, not only in New Mexico but in other areas. We have been assisting other tribes, Northern Cheyenne, Mississippi Choctaw, Indians within the State of New Mexico to see what can be done to establish Indian controlled public schools. We believe that whatever mechanism Indian people use to establish control that will benefit their citizens and their children, it does not make any difference as long as the control is with the Indian people.

The other issue that we are looking at is our concern for the multiyear pilot planning demonstration and service grants. We would like to see more of a commitment to these kinds of programs because it takes a lot of time to develop innovative and exemplary approaches to solving problems unique to Indian education and we feel that more commitment and funding is needed to carry out these ideas, evaluate the results, and disseminate the information, so that other Indian people can use and benefit from these ideas and these projects.

Associated with that is the problem that was raised by Dr. Tippeconnic, and that is the quality of staff that exists at the Washington level of the Office of Indian Education. In the field it is very difficult to try to express concerns and needs to program staff officers when they have very little idea about the problems and concerns of the Indian people on the reservations, and in other areas, and it seems like we always have to go back and explain and reexplain. I think it is a problem that stems from the RIF process the Federal Government has in place by putting less competent people in the Office of Indian Education at the Department of Education.

We would like to recommend that Indian preference in staffing be strictly followed and that people familiar and committed to Indian education be placed in those key positions because it does make a difference when you are on the line and you are trying to explain a problem or trying to get some technical assistance and people just do not understand what you are talking about.

I would like to quickly turn it over to Mrs. Ruby Wolf and she will explain or discuss some of the roles and involvement of the title IV parent advisory committees and Indian control as it is in our school district.

Senator DECONCINI. Mrs. Wolf.

Mrs. WOLF. Good morning. I just want to say that down in Zuni we have a very active bunch of people. They get involved in all parent advisory committees and we have a very active parent committee for the title IV. We have members who come to monthly meetings and they discuss a lot of things concerning title IV. Also they are part of what we call the district executive board and there are officers of parent-teacher organizations and parent advisory committees and in these meetings they discuss all the things that take place down there.

Their involvement as far as the hiring of personnel goes, they have duties to screen the applicants who are applying for positions and also when it comes to firing they make the recommendation to the administration and the board. They also oversee, they monitor the projects they have as far as Chapter 4 goes.

We feel that the parental involvement is important, therefore, the board has made a place on the agenda for any type of reports they would like to make to the board. They earn top priority so that we have placed parent-teacher organizations and parent advisory committees to be making their recommendations or whatever. They are on the agenda for every month that we have our meetings.

I would just like to say that we are very concerned. We have no problems as far as getting the parents involved in our education system and they are very active and they are there all the time when something needs their attention. They are always there and we have a very good group of people down their monitoring everything.

Senator DECONCINI. Do you feel that the existence of parent participation is a very positive part of the program?

Mrs. WOLF. Yes; because we are there to provide education for their kids and it is also good to have recommendations made by them because they are the ones who are out there and they tell us what they would like to have or see and they have a voice as far as the hiring goes. They make the recommendations as far as the qualifications on that individual.

Senator DECONCINI. Let me thank you for the briefing of the Zuni Public Schools.

Let me ask you a couple of things. The Department of Education currently defines an Indian controlled school as meeting the following four criteria: the majority of the school board are Indian; the majority of the students are Indian; the board members have authority to hire and fire school personnel; and the board has the authority to establish curriculum of the school.

Mr. Lewis, do you feel that this is a good working definition for Indian controlled schools or do you have any suggestions?

Mr. LEWIS. It is a good working definition for Indian control schools. It just leaves out Indian controlled public schools. We asked for technical assistance from the title IV Indian education office. We were given some vague answers about where we really fit in. They said, "You are a local education agency, are you not?" "Yes." "You have to fill out the forms as if you were a local educational agency."

We are not strictly under the control of the Zuni Tribal Council, although we are sanctioned by the tribe and operate within the reservation boundaries. We are not a tribal organization. It kind of leaves us in a gray area and as we apply for any of the discretionary money as a local educational agency then we are not eligible for the 25 bonus points. In this day's competition, if you are off 25 points, you are out of the funding range.

Senator DECONCINI. Do you agree?

Mrs. WOLF. I agree.

Senator DECONCINI. Thank you very much for your testimony. We appreciate having you here today. Your prepared testimony will be entered in the record at this point.

Mr. LEWIS. Thank you, Senator.

[The statement follows:]

PRESENTATION OF THE ZUNI BOARD OF EDUCATION, SUBMITTED BY HAYES LEWIS, ASSISTANT SUPERINTENDENT, ZUNI PUBLIC SCHOOL DISTRICT, ACCOMPANIED BY RUBY WOLF, BOARD MEMBER

Testimony of the Zuni Public School District regarding the Title IV Indian Education Act, Section 186.4-Definitions of Eligibility.

Good morning, Senator DeConcini and members of the Senate Select Committee on Indian Affairs. The Zuni Board of Education wishes to express its appreciation for the opportunity to present its concerns regarding the Title IV Indian Education Act. The Zuni children and parents in our district have benefited greatly from funds allocated through the entitlement portion of the Act. However, we have a problem unique to the context and status of our operation as an Indian controlled public school district. In addition, we wish to express our recommendation regarding multi-year funding for planning, pilot, demonstration and services grants.

1. Recognition of Indian controlled public schools for funding under Title IV-B & C.

BACKGROUND TO PROBLEM

The Zuni Public School District is an Indian controlled public school district operating within the exterior boundaries of the Zuni Indian Reservation. The District was created by the Zuni Tribe because of many educational problems and conditions that existed over which the Tribe had no control. The District has been in existence for four and one-half years and has operated under Indian control since its creation.

The District is the major educational institution on the reservation and has effectively incorporated several of the Tribal education programs. Positive changes and developments in services and opportunities have come through joint cooperation planning efforts between the District, its Board and the Zuni Tribal Council. The Zuni Tribe does not have a Division of Education and has looked to the District for provision of other educational services and opportunities besides a comprehensive K-12 educational program.

PROBLEM

Although the Zuni Public School District is an Indian controlled district operating under a governing board of Zuni community members, with the sanction of the Zuni Tribal Council under the existing regulation, the District is still defined as a local educational agency. Because of our status as an LEA, we are not eligible for Title IV discretionary funds as are other "Indian organizations" and "Indian institutions". This problem was highlighted last year when the District submitted a Substance Abuse application under Title IV-B. The District was unable to qualify for the 25 bonus points awarded to other Indian organizations/institutions because of its status as an LEA. The application was not funded.

RECOMMENDATION

The Zuni Public School District is one of a few Indian controlled K-12 public educational systems in the nation. It is our belief and hope that many more Indian Tribes will follow this course. It is our request and recommendation that the legislation, its rules and regulations be thoroughly reviewed and amended so that Indian controlled public school systems have the same status and opportunity as Tribally controlled schools and Indian organizations regarding eligibility for other discretionary funds under the Title IV Indian Education Act.

2. Need for multi-year funding and commitment for planning, pilot, demonstration and services program grants under Title IV Indian Education.

BACKGROUND

Many positive and innovative program approaches have been developed by Indian tribes and organizations to overcome educational problems and concerns unique to Indian people. It is very difficult for most of these innovative approaches to be fully developed, tested and disseminated for general application since funding and commitment have not been consistently applied.

PROBLEM

Many grantees who have received planning monies for innovative projects have had difficulty in fully developing projects and services because of the lack of assurance and commitment for continued funding. What good is a one-year commitment when it takes at least three years to plan, develop and fully implement a project of this type. A related concern that has surfaced in the past two years has been the dedication and competency levels of some program officers. Since the program officers are key decision makers within the Indian Education Unit, their knowledge, expertise and dedication are counted upon by the Indian people working in the field. If this is lacking, then there is definitely an impact upon the grantees.

RECOMMENDATION

There should be multi-year funding and commitment to those grantees qualifying for planning, pilot, demonstration and services projects, and the qualification of key staff members should be thoroughly reviewed to ensure that they have the necessary knowledge of Indian affairs, expertise and experience for their positions.

This concludes our presentation for today. Thank you for your time and consideration in these important matters.

PREPARED STATEMENT OF CHARLES HUSTITO, COUNCILMAN, PUEBLO OF ZUNI

On behalf of the Zuni Tribal Council and the Zuni people, I am delegated to testify to this Senate Select Committee on Indian Affairs focusing on Title IV A, B, C. However, we are concerned about all aspects of Indian Education and Indian Education Act, of various problems caused to be a disadvantage to Indian Tribes and Indian controlled schools. On the other hand, appreciate in areas that the Act has enhanced educational opportunities to Indian people.

We, the Indian people have never stopped battling the governments for our existence, for services this day and age. Indian Tribes have prioritized education as #1 priority for their people. While we have made tremendous progress, again, we are plagued with the diseases of Reaganism. Since the American people could not cure this plague called Reaganism, we believe therapy with our Congressional delegation and others such as this committee to become our champions to cure this problem.

We the Indian leadership are consistently testifying before committees for what is rightfully due to Indian people, which is the greater responsibility of the Federal Government. It is our sincere wish that various presentors testimonies not rest in deaf ears, but meaningful efforts are broadcasted in the Senate and House Chambers to give favorable decision to allot adequate funding allocation for Indian Programs.

It is with this intent that as sovereign Indian governments, we the Pueblo of Zuni duly take this stand in full support with other Indian Tribes for due consideration. The Zuni Tribal Council will submit written statements with resolution after careful review of the Title IV, of Indian Education Act within prescribed time. Once again, I thank you and others that have put their efforts into making this hearing today possible.

Senator DECONCINI. Our next witnesses will be Nancy Chee, chairperson, title IV, Ganado Unified School District, and Mary Ann Arnold, secretary, title IV parent committee, Ganado Unified School District, Ganado, AZ.

Good morning, ladies. If you will, please come forward. Sit over here in the center.

STATEMENT OF NANCY CHEE, CHAIRPERSON, GANADO UNIFIED SCHOOL DISTRICT NO. 20, AS READ BY SARA CLEVELAND, SECRETARY, PARENT COMMITTEE

Mrs. CLEVELAND. Good morning, Senator DeConcini and the Senate Select Committee.

My name is Sara Cleveland, a parent committee secretary. I will speak on behalf of Mrs. Nancy Chee, the parent committee chairperson for title IV, part A, Indian Education Program for Ganado Unified School District.

On behalf of the students, parents and governing board of Ganado I thank the committee for this opportunity to testify on title IV. My testimony will first address the advantages of title IV programs and the continuation of title IV.

For the past decade title IV has provided financial assistance to our school district for the supplemental educational programs that meet special needs of our Indian children. The special needs were met by individualized instruction to strengthen the regular academic programs. It has also allowed the opportunities for our children to learn about their unique history and culture. From these activities students were able to develop self-pride and identity.

Our school district can look back and reflect upon the accomplishments during those years title IV has served Indian children. The primary focus during those years include: The bicultural education that acquainted our children with their tribal history and increased their self-awareness; students participating in a language development component have increased their skills necessary for communication in English; a title IV math program has increased the math skills of students by one grade level or better with remedial math instruction; Navajo assistants and counseling services have developed an effective communication among the students, parent community and school; through counseling services in the title IV program students were provided counseling services to overcome many personal problems that interfere with their education; and the attendance of parent and community members at school functions has increased significantly.

Title IV funds are vitally important to our school district due to the district's limited revenues. Without title IV funds, our school district would not have enough money to provide Indian students the appropriate supplemental educational opportunities they need.

We strongly request Congress continue authorization of the Indian Education Act and to fund title IV so that we can continue to work together to prepare our children to live with dignity in this competitive world.

So again, on behalf of the Ganado School District I thank you, Senator, and the committee for your attention.

Senator DECONCINI. Thank you, Mrs. Cleveland.

Mrs. Arnold.

STATEMENT OF MARY ANN ARNOLD, VICE CHAIRPERSON, PARENT COMMITTEE, GANADO UNIFIED SCHOOL DISTRICT

Mrs. ARNOLD. Senator DeConcini, the Senate Select Committee, and guests, my name is Mary Ann Arnold. I am the parent committee vice-chairperson for the title IV, part A Indian Education Program for Ganado Unified School District No. 20. I also thank the Senate Committee for allowing me the opportunity to testify. My testimony will address the role of the parent committee in title IV program.

Title IV is one of the few programs that has demonstrated the concept of parental and community involvement in all phases of the project. Title IV parental involvement has brought valuable changes to the school district and the Indian students who are being served.

The initial act of Congress was to give Indian parents actual control over title IV programs. This was recently changed by the Secretary of Education in the new title IV regulations. These changes indicated to us that the Indian parents' control and accountability by local school districts have been reduced. As Indian parent committee members we feel the regulations for title IV programs should continue to include parent committee sign-off authority in all funding and program applications.

The sign-off authority allows the parent committees and the school district a clear understanding of programs that will serve our Indian children.

Furthermore, Indian parent participation in the development of the projects in the school helps create an incentive for both the parents and their children.

I believe the title IV parent committee involvement in our school has had a significant impact on the learning and achievement that has occurred. It has also stimulated the interest of other parents to become more involved in school activities and the learning process of their children. We strongly believe a cooperative parent-school partnership benefits the students. We want this partnership to continue through the title IV program.

Thank you for allowing us this opportunity to speak for Indian education.

Senator DECONCINI. Thank you very much. I am sure after serving on the Ganado Parent Committee you certainly have a better knowledge than any of us. That was the purpose of having the committee established and, of course, asking you to come and testify.

Let me ask you this question, either of you, or both of you. Do you feel that the Indians appointed by the President to serve on the National Council of Indian Education should have some experience in education? Is that necessary in your judgment?

Mrs. ARNOLD. I think they should have a background in education, yes.

Senator DECONCINI. Do you feel that there should be more control of the grant applications and programs by the parent committees than there are today, or is it satisfactory?

Mrs. CLEVELAND. I think so.

Senator DECONCINI. Do you think there should be more control by the parent committees on the applications for grants, or is it adequate now?

Mrs. CLEVELAND. It is adequate.

Senator DECONCINI. Do you agree?

Mrs. ARNOLD. Yes.

Senator DECONCINI. Thank you very much for your testimony this morning.

Any questions from the staff?

Our next panel is from BIA Elementary and Secondary Education. We have Radford Quamahongnewa, an education specialist, Department of Education, Hopi Tribe. We have Bernard Siquieros, director, Department of Education, Papago Tribe; Maryetta Tsosie, education consultant, Colorado River Tribe, Parker, Arizona; and Melisa Thomas, assistant director of the Early Childhood Program, Papago Tribe. Please be seated.

Your full statements, of course, will be in the record. Let me start with Mr. Siquieros.

STATEMENT OF BERNARD SIQUIEROS, DIRECTOR, DEPARTMENT OF EDUCATION, PAPAGO TRIBE

Mr. SIQUIEROS. Good morning, Senator. First of all, I would like to give my sincere thanks to you for allowing me to represent the office of education committee board of directors and the people they represent in communicating concerns regarding the education of our children.

My name is Bernard Siquieros and I currently serve the tribe by directing our education department.

Because of time restraints, I will briefly address a couple of educational concerns and submit written testimony of followup in the near future.

The Papago reservation, as you are well aware, is the second largest reservation in the nation comprised of approximately 2.9 million square acres. The reservation is currently being served by one public high school because of the lack of adequate secondary education facilities and programs. Approximately 450 high school students have to attend off-reservation boarding schools.

The obvious intentions to close the facilities serving our students has many parents and students very worried. The most recent references regarding school closure have been made by the Phoenix Indian High School and schools with an enrollment of less than 100 students. Because of the lack of adequate facilities and the vast areas of the reservation that must be served, any closure at this time will jeopardize education of our children.

The plans for a second high school on the reservation are moving along smoothly. Once this school is completed, our goal will be to educate our students at home.

Because we feel there will always be a need for alternative facilities and programs that will address the special needs of some of our students, we strongly recommend that the BIA make every effort to consult with all Indian tribes that will be affected by closure and that every consideration be taken as to the ramifications of closures of any schools.

I would also like to address briefly the minimum academic dormitory standards. The Bureau of Indian Affairs has developed academic and dormitory standards for Bureau and contract schools which we definitely feel is a step in the right direction. The specific concern is that there are no moneys for these schools to meet these standards. We recommend that the Congress through Interior provide special moneys for schools to meet these proposed standards.

Senator, I would also like to add that the Papago Tribe is in full support of testimony that has been heard thus far regarding title IV, parts A, B, and C.

We do have the parent advisory committee from the school district here today and they have informed me that they will be submitting written testimony in the very near future.

Senator DECONCINI. Thank you very much. Who wants to speak next, please?

Ms. THOMAS. Good morning, Senator, and the committee.

Senator DECONCINI. Good morning.

STATEMENT OF MELISA THOMAS, ASSISTANT DIRECTOR, EARLY CHILDHOOD PROGRAM, PAPAGO TRIBE

Ms. THOMAS. My name is Melisa Thomas. I am representing the Papago Tribe of Arizona in the area of education and I am here to present a position paper from the Papago Tribe.

The Papago Tribe is taking the following position on the prekindergarten issue. The Bureau of Indian Affairs, Department of the Interior, completely eliminated prekindergarten programs. Therefore the Papago tribes contest the deletion of the prekindergarten funding and we want to bring to your attention our concerns and our reasons for requesting that the program continue to be funded.

The Bureau of Indian Affairs has not been acting in good faith and has not followed the congressional directive in the Indian Education Amendments of 1978, to establish a formula for determining the minimum annual amount of funds necessary to sustain each Bureau or contract school and to fully implement the formula for fiscal year 1982 and any succeeding fiscal years—25 U.S.C. A 2008.

The Bureau of Indian Affairs has a legal and moral responsibility to native Americans and this responsibility has been reaffirmed by Public Laws 93-638 and 95-561 as well as the Bureau's own policies regarding education.

The Papago Tribe is requesting that the Bureau of Indian Affiars comply with the mandate and that the revision of the Indian school equalization formula include the prekindergarten standard.

The Papago Tribe along with the Mississippi Band of Choctaw Indians and the Pueblo of Acoma and many other tribes across the country are prepared to intervene if the Bureau fails to revise its standards to include prekindergarten programs.

We are asking again for your support and assistance in this matter. In addition, we recommend that an in-depth needs assessment be conducted to determine the actual need for BIA kindergarten service and not estimated need. Thank you.

Senator DECONCINI. Your position paper will be included in the record at this point.

[The position paper follows:]

POSITION PAPER OF THE PAPAGO TRIBE OF ARIZONA, SUBMITTED BY JOSIAH MOORE, CHAIRMAN

The Papago Tribe is taking the following position on the Pre-Kindergarten issue. The Bureau of Indian Affairs, Department of the Interior, completely eliminated funding for Pre-Kindergarten Programs. Therefore, the Papago Tribe protests the deletion of the Pre-K funding and to bring to your attention our concerns and reasons for requesting that the program should continue to be funded.

The Bureau of Indian Affairs has not been acting in good faith and has not followed the Congressional directive in the Indian Education Amendments of 1978 to establish "a formula for determining the minimum annual amount of funds necessary to sustain each Bureau or contract school," and to "fully implement the formula for F.Y. '82 and any succeeding fiscal year." (25 U.S. CA 2008).

The Bureau of Indian Affairs (Department of the Interior) has a legal and moral responsibility to Native Americans and this responsibility has been reaffirmed by P.L. 93-638 and 95-561 as well as the Bureau's own policies regarding education.

The Papago Tribe is requesting that the Bureau of Indian Affairs comply with the mandate and that the revision of the Indian School Equalization Formula include the Pre-Kindergarten Standards.

The Papago Tribe along with the Mississippi Band of Choctaw Indians and Pueblo of Acoma, and many other Tribes across the country, are prepared to intervene if the Bureau fails to revise its standards to include pre-kindergarten programs.

We are asking for your support and assistance in this matter.

Senator DECONCINI. Ms. Tsosie.

STATEMENT OF MARYETTA TSOSIE, EDUCATION CONSULTANT, COLORADO RIVER INDIAN TRIBES

Ms. TSOSIE. Good morning, Senator and members of the panel. I am Maryetta Tsosie. I bring you greetings from the Colorado River Indian Tribes. Our testimony is based on the process relevant specifically to the Colorado River Indian Tribes.

Because of the geographical location of the reservation of the Colorado River Indian Tribes, unlike most Indian tribes, Colorado River does not have a BIA education system or a BIA public school system. Instead, 95 percent of the Colorado River student population is enrolled in public schools.

To assure quality education for its youth the tribe avails itself of the title IV funds to supplement the education of its youth by coordinating its efforts and programs with the local public school system.

On behalf of the Colorado River Indian Tribes this testimony relevant to title IV Indian Education Act programs has been submitted to you.

The Colorado River Indian Tribes knows the education related problems faced by its tribal members. In 1981, the tribes completed a comprehensive educational survey to document in qualitative and quantitative terms of the educational needs of its members. That is both children and adults. The tribal education department also later determined that this type of documented information was necessary for the successful seeking of Federal funds.

Three major education problems the Colorado River Indian Tribes face are: No. 1, Indian children have a high rate of absenteeism from school; No. 2, the school retention and dropout rate of Indian students from high school is high compared to the non-Indian school population. Indian adults who do not have a high school diploma or a GED certificate may be hindered in their ability to get employment or advance therein; and No. 3, the tribe lacks adequate resources to support educational programs on the reservation and must seek Federal grants to augment tribal resources so that more comprehensive approaches to education can be possible.

In 1982 the Colorado River Indian Tribes applied for and received part C funds under title IV to provide educational services to 175 adults. Some of the positive results worth mentioning that occurred were:

No. 1, of the program participants who obtained their GED, 84 percent passed on their first attempt and only 16 per cent required a second examination.

No. 2, in previous years the Colorado River Indian Tribes' Education Department, due to funding constraints, was only able to serve 35 adults per year. With the addition of the Federal funds the tribe last year provided educational services to 776 adults.

In 1983, the tribes applied for and received part B funds under title IV to serve 90 Indian students. This project is ongoing and will be instrumental in reducing absenteeism, retention, and dropout from school.

The continued availability of Federal funds for tribal education programs is necessary if the tribes are to apply for more comprehensive approaches to the education of its Indian tribal members.

The Federal funds we have received from title IV programs have allowed us to put together more comprehensive education programs aimed at a specific target population and at a specific Indian education problem.

I thank you, Senator, for allowing Colorado River Indian tribes the opportunity to be allowed to testify today.

Senator DECONCINI. You said only 1 percent of the students go to the BIA school?

Ms. TSOSIE. That is correct, because of our particular geographic location and the accessibility to public schools.

Senator DECONCINI. How many BIA schools do you have there?

Ms. TSOSIE. We send them off the reservation.

Senator DECONCINI. Do you send them all off? What number is that? Do you know?

Ms. TSOSIE. We are talking about less than 12.

Senator DECONCINI. Thank you, very much.

Mr. Quamahongnewa.

STATEMENT OF RADFORD QUAMAHONGNEWA, REPRESENTING THE HOPI TRIBAL DEPARTMENT OF EDUCATION

Mr. QUAMAHONGNEWA. Mr. Chairman, members of the Senate Select Committee, I appreciate the opportunity to present to you the concerns of the Hopi Tribe's educational needs. My name is Radford Quamahongnewa, a Hopi representing the Hopi Tribe Department of Education.

My concerns with the tribe is that, as you are all aware, we are having our new Hopi junior-senior high school constructed. That has been a long, long struggle for the only Hopi high school on the reservation.

Now the next step is to draw up some startup moneys for the operation of the new school. We have been told at the BIA agency level that the moneys for our new school startup is not available and that the Hopi Tribe will have to lobby and seek legislation to appropriate funds.

We need those moneys now to continue planning. Completion of the construction is slated for August 1986. And the projected operation of the school is September 1986. We need the moneys now to hire administrative staff. We need moneys now to hire a business manager. We need moneys now to hire curriculum developers. We need moneys now for instructional staff. And we need money now for support staff.

We need planning to go on so that when we have the high school constructed that we will be going right into the operation of the school program.

The master plan, the goals, and the standards are now being developed for the elementary level but we need more funds to develop both the goals and standard for the junior and senior high school.

The second concern that is in question is the attendance boundaries.

In 1981 the Hopi Tribe enacted Ordinance 36 requiring local day schools to establish attendance boundaries. In 1983, boundaries were established. Then in 1984, Public Law 98-511 was passed requiring attendance boundaries to be established. The question is: Does the Federal law supersede the tribal law? Do the prior boundaries of the tribe need to be reestablished to satisfy the Federal requirement? We've taken this step before the law was passed and feel that the boundaries should stay as is and as local control. To implement Public Law 98-511 the Hopi Tribe feels that the new law should provide funds separately. The Hopi Tribe does not feel that tribes or schools should program funds from their current budgets for implementing this law.

In relation to the above concerns, we respectfully make the following requests:

No. 1, that the committee seek appropriations and/or lift the freeze for the start-up funds for our Hopi junior-senior high school and other tribal schools and for the operation and maintenance costs in fiscal year 1985–1986.

No. 2, that the committee direct the Bureau of Indian Affairs to immediately release the requested amount of funds for the startup and operation of the school in fiscal year 1985–1986, as we support the forward funding concept.

No. 3, that the committee direct the Bureau of Indian Affairs to provide technical assistance and/or consultant service to the tribe for programs and long range planning.

No. 4, that the committee direct the Bureau of Indian Affairs to allow the tribe to establish a master plan in accordance with the desires and needs of the Hopi people and as their own school.

No. 5, that the committee direct the Bureau of Indian Affairs to allow the tribe to retain prior established attendance boundaries.

No. 6, that the committee support appropriations and direct the Bureau of Indian Affairs to grant funds for the implementing of Public Law 98–511 by the Hopi Tribe.

The Hopi Tribe supports the reauthorization of a title IV program that the tribe may be in that area sometime in the future. Thank you.

Senator DECONCINI. Thank you very much.

Regarding the high school, a number of us—Senator Goldwater and myself included—have been 6 years or more attempting to get this project under way.

You raise a point of not having startup funds and administrative funds. Is there any projection of what you actually need in fiscal year 1985—which we are now in—in order to be prepared to open? The school does not open until late 1986 or longer. I think it is late 1986. Do you have any figures in mind of what minimum amount is necessary?

Mr. QUAMAHONGNEWA. No. At this time I do not have the figure.

Senator DECONCINI. Would you send that to us?

Mr. QUAMAHONGNEWA. Yes; we will send it to you.

[Subsequent to the hearing the following material was received. Testimony resumes on p. 92.]

HOPI JR.-SR. HIGH SCHOOL
FY 1985

#3

Date: 01/09/85

RECEIVED
JAN 28 1985

ITEM	BUDGET	OBLIGATED AS OF ______	BALANCE
Salaries	38,860		
Fringed Benefits	6,327		
Travel:			
Administration	700		
Training	750		
GSA Vehicles	2,200		
Trans. of Things	250		
School Board	1,000		
Equipment:			
Xerox	3,200		
Typewriter	1,500		
Calculators (3 ea.)	657		
File Cabinets	655		
Telephone	720		
Xerox	600		
Office Supplies	400		
Subscriptions, forms, etc.	425		
Training - Staff	1,500		
School Board Training	1,600		
Change of Headquarters	2,000		
GRAND TOTAL:	63,409		

MANAGEMENT BY OBJECTIVES

OBJECTIVE NO. 1.0

STATEMENT OF OBJECTIVE To establish a school board by May 31, 1985.

	FEB. 85	MAR. 85	APR. 85	MAY 85	JUNE 85	JULY 85	AUG. 85	SEPT. 85	OCT. 85	NOV. 85	DEC. 85	JAN. 86	FEB. 86	MAR. 86	APR. 86	MAY 86	JUNE 86
1.1. Identify tribal and BIA authorities.	Δ	Δ															
1.2. Establish election procedures.		Δ															
1.3. Advertise election and hold elections.		Δ	Δ														
1.4. Certify elected school board members.				Δ													
1.5. Orient and train new board members.				Δ	—	—	—	—	—	—	—	—	—	—	—	—	Δ
1.6. Adopt policies and by-laws for school board.				Δ	—	—	—	—	—	—	—	—	—	—	—	—	Δ

OBJECTIVE NO. 2.0.

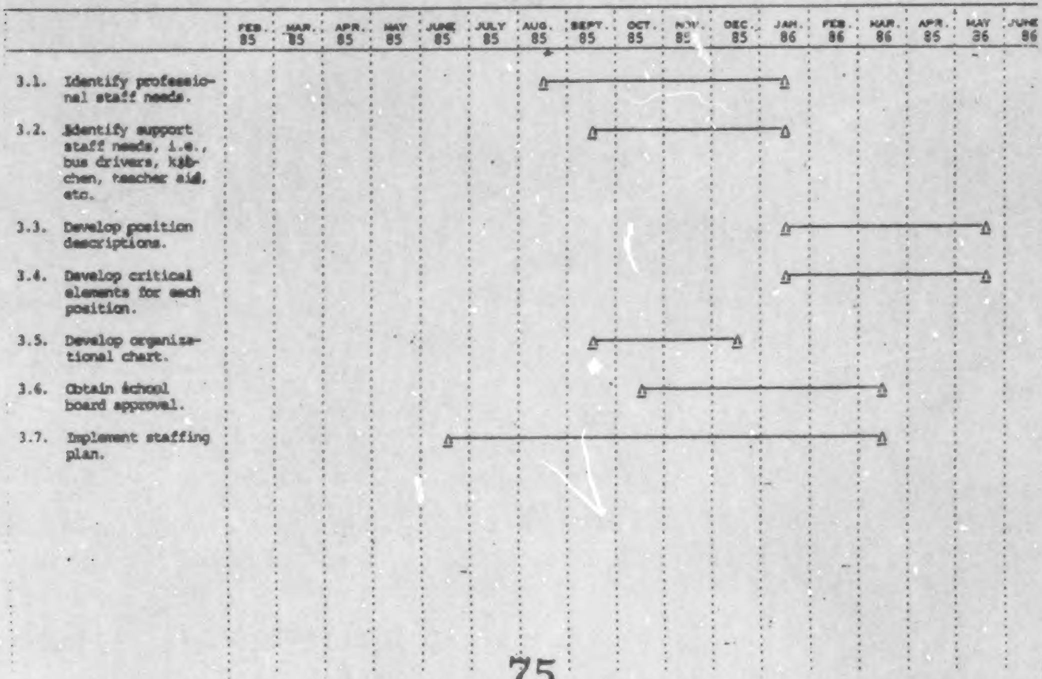
STATEMENT OF OBJECTIVE To develop a School Curriculum for Grades 7-12 by June 30, 1986.

	FEB. 85	MAR. 85	APR. 85	MAY 85	JUNE 85	JULY 85	AUG. 85	SEPT. 85	OCT. 85	NOV. 85	DEC. 85	JAN. 86	FEB. 86	MAR. 86	APR. 86	MAY 86	JUNE 86
2.1. Obtain and review State, Bureau, North Central Accrediation Assn., Hopi Comprehensive survey results and locally established curriculum for Grades K-6 and 7-12.					Δ	Δ											
2.2. Develop draft for Grades 7-8 for comments.						Δ	—	Δ									
2.3. Develop draft for Grades 9-12 for comments.							Δ	—	—	Δ							
2.4. Review drafts with communities and schools.									Δ	—	—	—	Δ				
2.5. Compile information received from communities and schools;													Δ	—	Δ		
2.6. Develop final draft for review and input;													Δ	—	Δ		
2.7. Document final curriculum.																Δ	Δ

MANAGEMENT BY OBJECTIVES

OBJECTIVE NO. 3.0

STATEMENT OF OBJECTIVE To develop a staffing plan by March 31, 1986.



3.1. Identify professional staff needs.

3.2. Identify support staff needs, i.e., bus drivers, kitchen, teacher aid, etc.

3.3. Develop position descriptions.

3.4. Develop critical elements for each position.

3.5. Develop organizational chart.

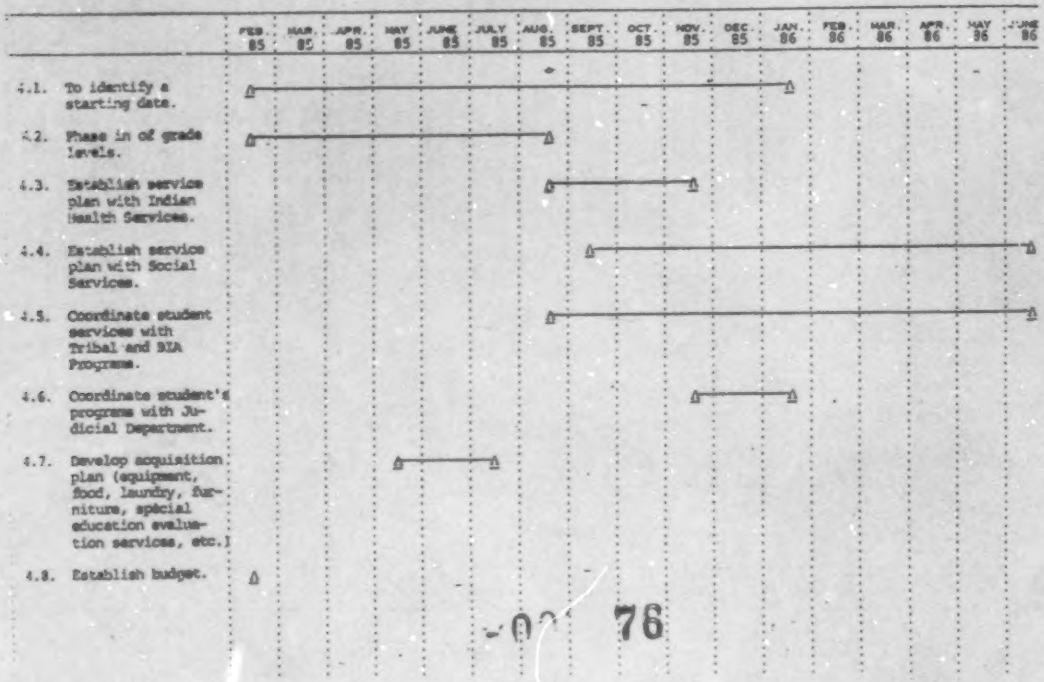
3.6. Obtain school board approval.

3.7. Implement staffing plan.

BEST COPY AVAILABLE

OBJECTIVE NO. 4.0

STATEMENT OF OBJECTIVE To develop a plan of operation to be completed by May 31, 1986.



4.1. To identify a starting date.

4.2. Phase in of grade levels.

4.3. Establish service plan with Indian Health Services.

4.4. Establish service plan with Social Services.

4.5. Coordinate student services with Tribal and BIA Programs.

4.6. Coordinate student's programs with Judicial Department.

4.7. Develop acquisition plan (equipment, food, laundry, furniture, special education evaluation services, etc.)

4.8. Establish budget.

OBJECTIVE NO. 5.0

STATEMENT OF OBJECTIVE To establish the attendance boundaries for the Hopi Jr.-Sr. High School by December 31, 1985.

	FEB. 85	MAR. 85	APR. 85	MAY 85	JUNE 85	JULY 85	AUG. 85	SEPT. 85	OCT. 85	NOV. 85	DEC. 85	JAN. 86	FEB. 86	MAR. 86	APR. 86	MAY 86	JUNE 8
5.1. Review authority documents: - BIA policies/public laws - Tribal policies/ordinances - Arizona State Statutes						Δ											
5.2. Draft proposed boundaries for review by the local communities and school board.							Δ	———	Δ								
5.3. Finalize and establish attendance boundaries.										Δ							
5.4. Final approval of attendance boundaries by the Hopi Board of Education.											Δ						

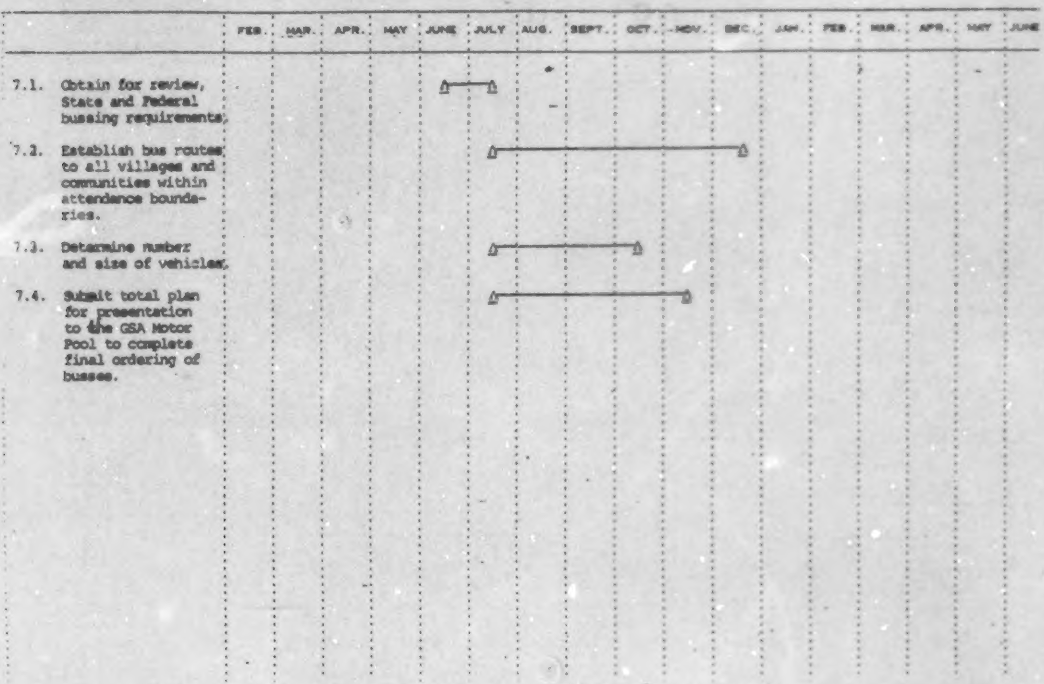
OBJECTIVE NO. 6.0

STATEMENT OF OBJECTIVE To establish attendance policies by January 31, 1986.

	FEB. 85	MAR. 85	APR. 85	MAY 85	JUNE 85	JULY 85	AUG. 85	SEPT. 85	OCT. 85	NOV. 85	DEC. 85	JAN. 86	FEB. 86	MAR. 86	APR. 86	MAY 86	JUNE 86
6.1. Review related and sample documents regarding minimum number of days of attendance, maximum age limitations, prerequisite requirements (i.e., reading levels, entrance tests, etc.), absentee policies, loss of credit policies, etc. Review should include at minimum: - P.L. 95-561 - Arizona State Statutes - North Central Accrediation requirements - Other school district policies - Local policies - Currently established BIA policies.						Δ	─	Δ									
6.2. Draft policies for review by school board.									Δ	─	Δ						
6.3. Finalize policies and adopt.												Δ					
6.4. Publicize policies to communities and prospective parents/												Δ	─	─	─	─	Δ

OBJECTIVE NO. 7.0

STATEMENT OF OBJECTIVE To establish a bussing plan by December 31, 1986.



7.1. Obtain for review, State and Federal bussing requirements.

7.2. Establish bus routes to all villages and communities within attendance boundaries.

7.3. Determine number and size of vehicles.

7.4. Submit total plan for presentation to the GSA Motor Pool to complete final ordering of busses.

OBJECTIVE NO. 8.0

STATEMENT OF OBJECTIVE To establish a Community Impact Awareness program by May 31, 1986.

	FEB. 85	MAR. 85	APR. 85	MAY 85	JUNE 85	JULY 85	AUG. 85	SEPT. 85	OCT. 85	NOV. 85	DEC. 85	JAN. 86	FEB. 86	MAR. 86	APR. 86	MAY 86	JUNE 86
8.1. Study survey data, parental suggestions thru meetings and review of other literature.	△	—	—	—	—	—	—	—	—	—	—	—	—	—	△		
8.2. Compile information, sorting by immediate needs for consideration and coordinating with the Tribe, IHS, BIA and other local service units.	△	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	△
8.3. Develop programs for consideration, including but not limited to: -Parenting (adolescent conflicts, teenage, sex, behavior, etc.) -Drug and Alcohol Abuse -Communication Techniques -Money management -After school activities/recreation -Ceremonial awareness and participation -After school jobs -Parent/school responsibilities, etc.								△	—	—	—	—	—	—	—	—	△

OBJECTIVE NO. 8.0 (con't)

STATEMENT OF OBJECTIVE

	FEB. 85	MAR. 85	APR. 85	MAY 85	JUNE 85	JULY 85	AUG. 85	SEPT. 85	OCT. 85	NOV. 85	DEC. 85	JAN. 86	FEB. 86	MAR. 86	APR. 86	MAY 86	JUNE 86
8.4. *Finalize program plans.										Δ	—	—	—	—	—	—	Δ
8.5. *Approval of program plans.											Δ	—	—	—	—	—	Δ
8.6. *Implement program plans.												Δ	—	—	—	—	Δ

* These activities will have varying completion dates dependent on priority.

PRINCIPAL - Junior/Senior High School

I. INTRODUCTION

Provides management with technical education guidance direction and policy for the operation of the Hopi Junior/Senior High School.

II. DUTIES

Establishes standards, policies, practices, procedures and provides guidance, direction and assistance to the school staff to carry out their responsibilities as educators of Native American students. Major areas of work include, but are not limited to:

A. General Management

1. Budget Management and Fiscal Accounting
   - a. Preparation and justification of an annual budget.
   - b. Reviewing, negotiating and approving budget plans for each department of the school to the extent of the annual allocation.
   - c. Securing from the Hopi Agency Branch of Education adequate fiscal accountability services.
2. Administrative Services
   - a. Securing through the agency contract, procurement supply and other support services.
   - b. Approving all purchase orders processed at the school.
3. Personnel Services
   - a. Manage personnel ceiling at the school.
   - b. Conducting recruitment, qualifications and eligibility reviews, character and other required reviews related to hiring of staff. Recommends and makes final appointment of staff. Initiates or serves as deciding authority in adverse action processes. Placing, assigning or transferring of education staff within the school.
   - c. May be requested to serve as negotiator for local union contractors.
4. Facility Management
   - a. Conducts a monthly inspection.
   - b. Request repair, renovation and construction.

5. Program Planning

Conducts studies related to school enrollment, school bus routes and needs, school facilities and supply needs. Physical plant size and condition, etc., for purposes of:

a. Establishment of professional and support staff needs.
b. Providing program plans for curriculum and student services, etc.
c. Acquisition of food to meet the dietary needs of the student population services.
d. Requisitioning school bus and transportation.

B. Education Administration

1. Established standards of education with the local school board such as:

    a. Core courses of study grades 7-12.
    b. Local normed criterion reference tests for grades 7-12.
    c. Minimum grade standards for grades 7-12.
    d. Basic courses (with allowances for electives) for non-core subject.
    e. Minimum student competency levels.
    f. Student promotion policy.
    g. Standards for gifted/talented student program.

2. Student Protection

    a. Student rights and privacy practice standards.
    b. Safety practices and procedures policy.
    c. Emergency dismissal policy.
    d. Student conduct standards policy.
    e. Emergency procedures for protection of life and property.

3. Standards of Teaching

    a. Establishment of school district boundaries.
    b. Assures that classroom size and teacher/student ratio standards are adhered with.
    c. Enforces teacher code of ethics.
    d. Establish quality control of texts and support media.
    e. Establishment of an environmental control policy.
    f. Setting the undertone for equal learning opportunity.

4. Special Education

    a. Establishes a program to meet the needs of the educationally disadvantaged, the handicapped and the talented students.
    b. Complies with established standards for program and teaching.
    c. Plans for and provides specialized training of staff.
    d. Coordinates special treatment/care.

5. Guidance and Counseling

   a. Provide specialized-individualized programs.
   b. Provide a full guidance and counseling service (i.e., academic, career, vocational, social, psychological, culture).
   c. Within established policies, provide programs for the emotionally disturbed.
   d. Coordinates services with Social Services program(s) and the court system.

6. Student Activities

   a. Establishes and provides extracurricular activities in academic, sports recreation and self-development activities for students grades 7-12.
   b. Setting school policy for participation in intramural activities.
   c. Assures coordination with state policy for intramural activities.
   d. Establishes scholastic standards for participants.

7. Technical Education Responsibilities

   a. Development of courses, instructional handbooks, workbooks, course objectives, outlines, materials, methods, guides appropriate for students grades 7-12.
   b. Development of specific course objectives, materials, etc., for special programs, 94-142, Chapter I and ESEA.
   c. Review and observation of teaching objectives and goal achievements, etc.
   d. Provides teaching guidance, training, and direction.
   e. Meets with communities to pursuade acceptance of certain courses.

8. Program Evaluation

   a. Conducts program evaluation and program updating per established time frames.

9. Student Support Services

   Provides for bussing of students and maintaining and operation of a school kitchen.

10. Supervisory Controls

   a. Provides justification for personnel staffing organization for the Hopi Junior/Senior High School.
   b. Writing of position descriptions.
   c. Initiating required adverse action on staff.
   d. Initiating promotion actions.
   e. Approving sick, annual, emergency, administrative leave, etc.

f. Evaluating staff performance.
g. Making staff selections.
h. Assignment of work.
i. Providing liaison between employees and the local communities.

III. FACTORS

A. Knowledge Required By The Position

1. Professional knowledge of education philosophy principles, methods and procedures pertinent to instructional programs and related activities offered to the junior/senior high school students.

2. Knowledge of instructional materials, supplies and material services and local resources, and the procedures that must be followed to insure adequate administrative support.

3. Knowledge of applicable guidelines of the Bureau, Area, Agency, Tribal and School Board policies, laws and regulations.

4. Knowledge of administrative support services, i.e., personnel, property and supply, procurement and contracts, finance and budget, and buildings and grounds.

5. Skill in communicating ideas and thoughts orally and in writing.

6. Skill in exercising tact, initiative and using good judgement in dealing with people.

7. Skill in supervising a staff of professionals, para-professionals, and administrative support personnel.

8. Skill and ability to secure the confidence, respect, and cooperation of management officials, teachers, support personnel, students and other education staff in order to carry the function of the education program.

9. Must be able to train and develop a staff and to cooperate and work with subordinates, professional organizations, State and Tribal Representatives.

10. Must be able to plan and develop internal program policies and procedures; determining course and program activities; determining staffing requirements; planning for material needs (management, utilization, modification and expansion of physical plant, supplies, equipment); supervising staff; and preparing budget estimates and administering available funds, including determining their internal allocation among the various activities of the overall school program.

B. Supervisory Controls

1. Over Incumbent

Under the general supervision of the Superintendent for Education, GS-13, the incumbent works within established policies, procedures and regulations prescribed by the Bureau of Indian Affairs, the Office of Indian Education Programs and Hopi Indian Agency. The content of the curriculum is prescribed largely in terms of the objectives to be achieved. The incumbent is allowed broad directions in the selection of texts, training materials, aids and devices. Changes in texts must be approved by the supervisor before adoption. Special courses must be developed because of the culture and limited background and esperience of the Indian students. Work is reviewed for program accomplishment in accordance with objectives and overall adherence to budget, ceilings, laws, policies and regulation.

2. Over Subordinates:

Staff shall include all academic and support staff for the total of students at the junior/senior high school levels.

Supervision is accomplished through conferences, direct observation of the employees' work on duty; and in the case of more important matters of policy and procedures, written guides and memoranda are given. Teaching guides, curriculum materials, procedures and objectives are worked out by the incumbent, staff, parents, and student body within the framework of Bureau policy, Public School law, and Federal funding requirements of ESEA Title programs and P.L. 95-561. Recommends personnel selections to the local school board to meet staffing needs, recommends promotions and training for personnel supervised; initiates reprimands or separations from the Service for school personnel; prepares performance ratings on all the efficiency of their performance ratings on all the efficiency of their performance; approves leave for all personnel supervised and works out with them a schedule as to when they can be best spared from their duties. Counsels with employees with regard to complaint procedures and attempts to resolve issues that lend themselves to solution. Is responsible for providing written guides when needed by employees.

Is responsible, within the framework of existing Indian preference laws, for insuring equal opportunity for all employees under his/her supervision in the selection of employees for training, promotions, awards and recognition, and other career development opportunities, and for insuring fair and unprejudiced employment practices in the recruitment and selection of candidates for appointments to positions supervised.

C. Guidelines

Guidelines include the Bureau of Indian Affairs Manual, Bureau, Area, Agency, Tribal, and State policy; Federal, State laws and regulations; Acts of Congress for I, and IV, Johnson O'Malley, P.L. 93-638, P.L. 95-561 and P.L. 94-142.

Uses initiative and resourcefulness in deviation from traditional methods, adopting and developing new methods, proposed new policies, and in researching trends and patterns.

D. Complexity

Interprets, follows and programs emphasis in the realm of school administration and school programs, specifically those supervised which includes Fiscal, Personnel, Food Service operation and student transportation. All of these are directed in accomplishing goals established by Bureau of Indian Affairs, Office of Indian Education Programs, and the Agency Branch of Education.

Function may be flexible. In an Acting capacity, the incumbent must make decisions which are within the purview of authority delegated to him by the Superintendent for Education.

The incumbent will participate in meetings called by the Phoenix Area Office, Local School Board, Hopi Agency Branch of Education, Hopi Tribal Council, and the Office of Indian Education Programs to exchange information for the enhancement of the Hopi Junior/Senior High School program.

E. Scope and Effect

To serve as the administrator of the Hopi Junior/Senior High School, the incumbent keeps the Superintendent for Education abreast of the functions and activities at the school. Short and long range goals and objectives must be developed which are consistent with the philosophy of the Hopi Agency.

F. Personal Contacts

Contacts are with Agency Superintendent for Education, Business Manager, Education Specialist, Agency Superintendent, Administrative Manager, Facility Manager, Social Worker, and other Agency branch personnel, Superintendent and Principal of the Public School, state education officials, Area Education staff, students, teachers, school staff, parents, Tribal Education personnel, local employees union, and Indian Health Service personnel.

G. Purpose of Contacts

Contacts with various federal, state, agency, tribal and community groups are for the purpose of coordination of the Bureau, Tribal and Public School education programs and community programs to gain support needed to maintain the school's education programs. Contacts with student, teacher, and school staff, and parents are for exchanging information and administering the school's education program.

H. Physical Demands

1. The work is sedentary but requires a great deal of sitting, walking and standing, whether it be in a classroom, kitchen and food service area or in a conference, and above normal agility and patience.

2. Operation of a government owned vehicle is required.

I. Work Environment

Work is performed in an office setting, which is within the school complex of buildings and grounds.

SCHOOL SECRETARY

I. INTRODUCTION

Provides management with secretarial services in the field of education in the operation of the Hopi High School system.

II. DUTIES

To function as a school secretary and assist the school administrator to better carry out the responsibility as educators of Native American youth. Major areas of work include but are not limited to:

a. Develops objectives for improvement in office management procedures and clerical performance.
b. Responsible for all clerical functions associated with school activities, assuring communication between administration and and school staff.
c. Provides information in relation to changes in regulations or policies and procedures.
d. Receives, logs and reads incoming correspondence. Screens each item and distributes to proper person for appropriate action.
e. Maintains quality time control on correspondence and action documents to insure timely action.
f. Receives telephone and personal callers to the Principal taking care of matters and questions which do not require a policy decision; also make telephone calls as requested.
g. Makes necessary arrangements for travel, schedules of visits, plane or hotel reservations and notifying organization and officials to be visited.
h. Prepares travel authorizations and travel vouchers for the school principal and staff.
i. Types correspondence generated from the school, i.e., morning reports, meal reports, acquisitions, purchase orders, etc.
j. Prepares all time and attendance reports for the school.
k. Maintains a calendar of appointments and prepares a file of material to be discussed at scheduled meetings and conferences.
l. Establishes and maintains student and administrative files.

III. FACTORS

A. Knowledge

1. Knowledge of office routine and procedures.
2. Knowledge of organization and sufficient knowledge of the program to keep the administrative function in order.
3. Full knowledge of grammer, spelling, punctuation and format, to ensure correspondence leaving the school reflects excepted standards of the school.

4. Knowledge of the Bureau of Indian Affairs, Office of Indian Education Program organization, function and procedures to initiate, maintain, submit and follow-up on employee records, inquires and documents concerning personnel, payroll and travel.
5. Knowledge in budgeting procedures as related to school operations.
6. Must be skilled in the operation of office machines, i.e., electric typewriters, calculators, xerox copiers and mimeograph.
7. Knowledge of established procedures governing the work; how to accomplish clerical tasks with speed and accuracy and a thorough knowledge of established files and their proper maintenance.
8. Knowledge of BIA Regulations as they pertain to the program of the Branch of Education.
9. Must be skilled in dealing pleasantly, effectively, and objectively with people in office setting and on the telephone under normal and at times adverse conditions.
10. Basic knowledge of supervisor's policies and opinions concerning administrative procedures to effectively handle routine correspondence.
11. Must [illegible] able to independently prioritize work assignments in line with established objectives of the education office.

B. Supervisory Controls

Incumbent works under the general supervision of the Junior/Senior High School Principal, who provides general guidance for the work to be performed. Instructions are outlined in general terms and incumbent is expected to participate intensively in the management of the office by applying a good working knowledge of the overall programs under the supervisor's control to the solution of the procedural and management problems which arise. The incumbent independently carries out the work in those areas where established procedures apply in efficiently and effectively producing the required information, data, correspondence or reports. Resolves questions or problems on the basis of past precedence and interpretation of policy and procedural guidelines. Only unusual situations are referred to the supervisor for guidance. Completed work is occasionally review reviewed for accuracy and adequacy in meeting objectives and priorities and to insure determination and decisions are in accordance with policy and procedures. May be required to provide general guidance to clerical support staff.

C. Guidelines

Specific guidelines include Department of Interior, Bureau of Indian Affairs Manual, Code of Federal Regulations, and other available technical sources, BIA circulars and bulletins and clerical memoranda.

D. Complexity

Assignments consists of various duties involving difference processes, methods, and materials which prove to be most effective in the performance of the job. Must be able to adapt to individual differences of staff, parents and members of the community in performance of the job.

E. Scope and Effect

The purpose of the work is to provide an efficiently operated education office that enhances the total operation of the mission role as staff secretary. Proper and efficient operation of the Principal's office will have an impact on students, staff, parents, and members of the community in maintaining good public relations as pertains to the office.

F. Personal Contacts

The personal contacts are with staff, students, school boards, parents, members of the community, and tribal representatives.

G. Purpose of Contacts

The purpose of contacts is to provide services, facts and information pertaining to the Branch of Education and maintenance of positive relationships concerning programs and other school activities.

This also includes scheduling and arranging meetings, making travel arrangements, and providing agency school employees with guidance and help on applicable procedures. Ensures that correspondence, reports, and other material are completed within deadlines.

H. Physical Demands

Walking, standing sitting, bending, carrying objects, such as paper, books, files, office equipment, etc., are done on a continuing basis. The work requires sitting for long periods of time. Physical agilities and coordination and other physical demands are required to do the job. May be required to operate a government-owned or leased vehicle in the performance of duties.

I. Work Environment

The incumbent works in an office setting and/or other environment which involves normal everyday risks or discomforts. The setting is usually suitable for performance of work.

BUSINESS MANAGER (EDUCATION)

I. INTRODUCTION

Provides the Hopi Junior/Senior High School with technical guidance and direction in the major areas of personnel, fiscal and property management.

II. DUTIES

Within established standards, policies, practices and procedures, provides assistance to the School Principal in carrying out their responsibilities in educating Native American youth. Major areas of work process manages include but are not limited to:

A. Budget Management and Fiscal Accountability

1. Assists the Principal in the establishment of the annual school budget.
2. Reviewing for approving, budget plans within the school departments.
3. Serves as negotiating mediator between departments within the school when reprogramming, or increase or decrease of funds is necessary.
4. Processes and maintains file of pay vouchers for all food services, vehicles, telephone, imprest cash, school lunch monies, milk, ice cream, bread and laundry contracts.
5. Reconciles the school budget on a regular basis.
6. Establishes and maintains a cuff account for all funds at the school.

B. Property & Supply

1. Secures from the Hopi Agency and Phoenix Area Offices competent contract, procurement supply, services.
2. Conducts regularly scheduled review of purchase orders and acquisition requests.
3. Provides liaison between property and procurement, the school and/or vendor.
4. Processes all purchase orders and acquisition requests for the school
5. Maintains equipment inventory for the school.

C. Personnel Services

1. Maintain cuff accounts to monitor F.T.E.
2. Develop and maintain the personnel system for the Hopi Junior/Senior High School.
3. Establishment and maintenance of an applicant supply file.
4. Conducts recruitment, qualification and eligibility reviews, character and other required reviews.
5. Processes required documents for the school staff.
6. Maintains a file for personnel related directives.

III. FACTORS

A. Knowledge Required by the Position

1. Knowledge of school budget planning.
2. Knowledge of professional theories, principles of budget, personnel and property and supply.
3. Communicating with people with various educational levels.
4. Knowledge of applicable guidelines of the Bureau, Area, Agency, Tribal, Local School Board policies, laws and regulations.
5. Knowledge of the development of writing position descriptions.
6. Knowledge of basic property and procurement.

B. Supervisory Controls

1. Over Incumbent

Under the direct supervision of the School Principal, works within established policies, procedures and regulations prescribed by the Bureau of Indian Affairs, Office of Indian Education Programs and the Hopi Agency.

2. Over Subordinates

May provide supervision to a clerk typist and part-time office staff. Supervision is accomplished through conferences, direct observation of work; in cases of more important matters of policy and procedures, written guides and memoranda are provided.

C. Guidelines

Guidelines used include model school practices and principles, historical precedents, laws, Office of Indian Education Program policies and regulations, Bureau of Indian Affairs, and other federal agency controlling regulations and policies (i.e., contract, procurement, personnel and financial management).

Use of initiative and resourcefulness is encouraged in deviating from traditional methods, adopting and developing new methods, proposed new policies, and in researching trends and patterns.

D. Complexity

Interprets, follows and programs emphasis in the specific areas of fiscal, personnel and property and procurement. All of the areas are directly related to the accomplishment of goals established by the Bureau of Indian Affairs, Office of Indian Education Programs and the Hopi Agency Branch of Education.

E. Scope and Effect

The purpose of the work is to provide the School Principal, school departments, staff, school boards and parents with technical advice and assistance on fiscal, property and personnel matters pertaining to the Hopi Junior/Senior High School.

F. Personal Contacts

Contacts are with the School Principal, Agency Superintendent for Education, Business Manager, Education Specialist, Agency Superintendent, Administrative Manager, Property & Supply Officer and other Agency branch personnel; Superintendent and Principals of Bureau and Public schools, State Education offices, tribal education personnel, local employees union and Indian Health Service personnel.

G. Purpose of Contacts

The purpose of contact with other school/agency/area office staff is to coordinate the local programs with appropriate sub systems and to seek and provide assistance. The purpose of contact with various federal, state, tribal and other agencies are for the purpose of coordinating the school programs in areas of responsibility.

H. Physical Demands

1. The work is sedentary but requires a great deal of sitting, walking and standing.
2. This position will require the operation of a government owned or leased motor vehicle in the performance of duties.

EDUCATION SPECIALIST

I. INTRODUCTION

Provides management with technical education direction in the curriculum of grades 7 through 12.

II. DUTIES

Obtains and reviews standards, practices, policies and procedures for the purpose of assuring that the curriculum meets or exceeds minimum levels.

Establishes for the local schools:

a) Core courses of study for grades 7-12.
b) Local normed criterion reference tests for gardes 7-12.
c) Minimum grade standards for grades 7-12.
d) Basic courses (with allowances for electives) for non-core subjects.
e) Minimum student competency levels.
f) Standards for gifted/talented student program.
g) Program to meet the needs of the educationally disadvantaged and the handicapped students.
h) Tool for monitoring and evaluating the school curriculum.

IIII FACTORS

A. Knowledge Required

--- Must be knowledgeable of curriculum for gardes 7-12.

--- Must be knowledgeable of Arizona State minimum education standards.

--- Professional knowledge of educational philosophy, principals, methods, procedures pertinent to instructional programs offered to Junior/Senior High School students.

--- Skill in communicating ideas and thoughts orally and in writing.

--- Skill in exercising tact, initiation and using good judgement in dealing with people.

--- Experience in development of curriculum for grades 7-12.

--- Professional knowledge in evaluating of school curriculum.

B. Supervisory Controls

1. Over Incumbent

Under the supervision of the Junior/Senior High School Principal. Work will be performed within established policies, procedures and regulations prescribed by the Bureau of Indian Affairs, the Office of Indian Education Programs and the Hopi Indian Agency.

Broad directives in selection of materials, ideas, etc., are allowed in the development of the school curriculum. The incumbent independently carries out the assigned work. Work is reviewed for program accomplishment in accordance with objectives, laws, policies and regulations.

C. Guidelines

Guidelines include the Bureau of Indian Affairs, Agency, Tribal and State Policy; Federal, State Laws and regulations.

Uses initiative and resourcefulness in deviation from traditional methods, adopting and developing new methods.

D. Complexity

Interprets, follows and programs emphasis in the realm of school curriculum directed in accomplishing goals established by the Bureau of Indian Affairs, Office of Indian Affairs, Office of Indian Education Programs and the Hopi Agency Branch of Education.

The incumbent will participate in meetings called to enhance the curriculum of the Hopi Junior/Senior High School.

E. Scope and Effect

As coordinator for the development of the curriculum for the Junior/Senior High School, the Education Specialist keeps the School Principal abreast of related activities. Short and long range goals and objectives must be developed which are consistent with the philosophy of the Hopi Agency.

F. Personal Contacts

Contacts are with the Agency Superintendent for Education, School Principal, Business Manager, Agency Education Specialist, Superintendent and Principal of the local public school, State education staff, Area Education staff, students, teachers, local school staff, parents, Tribal education personnel and the Indian Health Service personnel.

G. Purpose of Contacts

Contacts with the various groups and persons is for the purpose of coordination of the school curriculum with the Tribal, State and local community, and to gain support required to maintain the school's curriculum.

H. Physical Demands

The work is sedentary but requires a great deal of sitting, walking and standing.

Operation of government owned or leased vehicle is required.

I. Work Environment

Work is performed in an office setting or other school environment which involves normal, everyday risks or discomforts. The work is usually suitable for performance of work.

Senator DECONCINI. That will be helpful.

Also regarding the boundaries, I am advised that if your boundaries in the schools are already set, and they are reaffirmed, that is all that is necessary. Are they all established?

Mr. QUAMAHONGNEWA. Yes, sir.

Senator DECONCINI. I do not think we have a problem there.

Let me ask the members of the panel—any of you who care to comment—how do the Arizona tribes feel thay can best utilize Phoenix Indian School? Are there special programs offered at Phoenix Indian School which are not offered on the reservation? We are constantly barraged that once we open up some of these new schools that there will be less need for the Phoenix Indian School. Can any of you comment on any of that subject matter of the special programs there or is there going to be less need for the Phoenix Indian School? Would you care to start?

Ms. TSOSIE. Mr. Chairman, from Colorado River's perspective, since we have very few students in Bureau of Indian Affairs schools and recognizing the fact that when these students are moved back to their reservation, the Phoenix Indian School will become available for other purposes, Colorado River's perspective is that it probably should be used for some type of vocational school for primary training and to cut back on the expenses these students usually incur when they attend vocational schools, for housing, et cetera.

Senator DECONCINI. Do you have any comments?

Mr. SIQUIEROS. Senator, from the Papago Tribe's perspective we have the largest percentage of students at Phoenix Indian School at this point in time from any one tribe. We would like to OK Miss Tsosie's comment that although we will have a second high school in the very near future, we hope, we feel that there will always be a need for some type of alternative facility, be it vocational, technical school, or whatever. We definitely feel that there will be a need for that facility.

Senator DECONCINI. Mr. Quamahongnewa?

Mr. QUAMAHONGNEWA. The Hopi Tribe feels that although we are getting our high school, hopefully, that the complex be continued to be used as a boarding facility for students entering and/or continuing in the higher education institutions.

We have problems with our students especially in their freshman year when they go down to universities or colleges or other higher institutions—including the Voc-Ed. First year, for some reason, is the hardest for these people.

One of the factors that we get reports on is that of living conditions or finding homes or rooms for boarding while they are at school.

We feel that we would like to continue the old Phoenix Indian High School to board these students that are going into the higher education using the facilities as such.

Senator DECONCINI. I do not understand. If you are going to have them in high school on the Hopi Reservation with the new high school, then you are not going to need to have them here.

Mr. QUAMAHONGNEWA. I am talking about the students that are into college.

Senator DeConcini. The students whom you think are going to graduate from high school and go to college, you would still want to send to the Phoenix Indian School; is that right?

Mr. Quamahongnewa. For boarding.

Senator DeConcini. For boarding?

Mr. Quamahongnewa. Yes; we have students in junior colleges—Phoenix College, Maricopa—who have problems of finding homes to stay in while they are attending school.

Senator DeConcini. You are saying they would board there while attending the higher schools?

Mr. Quamahongnewa. Yes.

Senator DeConcini. I see. They would only use those facilities for living only?

Mr. Quamahongnewa. Yes.

Senator DeConcini. Let me ask another question. Since the Bureau terminated the prekindergarten program, have you been able to continue any type of early childhood education programs?

Ms. Thomas. Yes; Senator, we are continuing with tribal funds.

Senator DeConcini. Is that the same level as before?

Ms. Thomas. About the same level.

Senator DeConcini. You just had to tighten your belt someplace else and come up with it; is that true?

Ms. Thomas. Yes.

Senator DeConcini. Is that true every place?

Mr. Siquieros. Yes.

Senator DeConcini. You have not dropped the programs then, you have readjusted?

Mr. Siquieros. May I add one thing, Senator?

Senator DeConcini. Certainly.

Mr. Siquieros. The concern of the Hopi Tribe for startup funds is a concern of ours always. At the high school of Papago we will have construction documents. We hope to break ground this spring. We certainly need to look at hiring administrative staff especially, to begin planning.

Senator DeConcini. In 1985–1986?

Mr. Siquieros. Yes.

Senator DeConcini. Won't 1986 do?

Mr. Siquieros. We would like to get started as soon as possible. We are apprehensive when we talk about breaking ground for a high school when we do not have a program, per se, to offer, and that planning needs to begin immediately.

Senator DeConcini. I do not mean to minimize your need. I am more concerned with the Hopi because the ground has already been broken. Some of the construction is well under way. Yours has not started yet. It has just been approved for the drawings and plans; is that correct?

Mr. Siquieros. That has been approved about a year and a half. We have had an A&E firm on consultation now for almost a year. As I say, we will have construction documents next week. December 12 is the deadline.

Senator DeConcini. When will you be starting construction?

Mr. Siquieros. Hopefully, we will break ground in the spring.

Senator DECONCINI. Maybe you want to submit to us also any minimal amounts you feel would be required in the present fiscal year and in the next fiscal year. That will help us.

Mr. SIQUIEROS. Yes; thank you.

Senator DECONCINI. Thank you very much for your testimony.

Next we are going to have a panel on contract schools. Mr. Bill Berlin will be the facilitator. Mr. Berlin, please come up.

We have Joseph Abeyta, superintendent, Santa Fe Indian Schools, Santa Fe, NM. We have Virginia Sanchez representing Chairman Jerry Millett, Duckwater-Shoshone Tribe in Nevada. We have Emmet Bia, board member from Rough Rock Community School, Chinle, AZ, and Bennie Cohoe, executive director, Ramah Navajo School. We have Dr. Samuel Billison, president of the Board of Trustees of the Navajo Academy, Farmington, NM, and Louis Barajas, chief school administrator from Hotevilla-Bacavi Community School, Hotevilla, AZ. Mr. Berlin. Is Mr. Berlin here?

Mr. Berlin, do you want to orchestrate this beautiful concert here any particular way?

Mr. BERLIN. Thank you, Senator. The panel, as you have named off, will be chaired by Mr. Emmet Bia, who will direct whatever questions you might have to the individual panel members.

Senator DECONCINI. Fine.

Mr. BERLIN. You have a list of the topics that they will each address, a very abbreviated list.

Senator DECONCINI. Please proceed.

STATEMENT OF VIRGINIA SANCHEZ, REPRESENTING JERRY MILLETT, CHAIRMAN, DUCKWATER-SHOSHONE TRIBE OF NEVADA

Ms. SANCHEZ. Senator DeConcini and committee members, my name is Virginia Sanchez. I am representing the Duckwater Shoshone Tribe.

Unfortunately, Jerry Millett is unable to be here due to health problems.

The Duckwater Shoshone Tribe operates the Duckwater Shoshone Elementary School using BIA and title IV funds. These funds have allowed us to establish and operate a school that meets our children's educational needs. Before we started our school, our children were failing and labeled discipline problems in the public school. Since establishing our school, the students show yearly academic growth on standardized achievement tests and are well accepted at the public school that provides high school educational services. Over the last 9 years an average of a 1-year gain has been achieved with our students.

Our main point is that our school works for our children and it was made possible through title IV and BIA resources.

We have had and still have problems with the way the resources are federally administered but overall our school works. Our children are showing academic growth where there was previous public school failure. And, our school was established and continues through title IV and BIA funding support.

The Duckwater Reservation is located in an isolated portion of east central Nevada. Our reservation is small and distances to outside services are great. The district headquarters to the Nye County Public School District in Tonopah is located 140 miles away. The public high school which receives our students from our tribal elementary school is in Eureka, 47 miles away. The BIA Agency Office that monitors our school operations is in Elko, located 161 miles away.

Our school started in 1973 with academics and basic skills focus using title IV funds. Our school has maintained that academic focus with continued title IV and BIA funding support. Title IV and BIA funding support has played a major role in the school's establishment and development.

Our school has had to develop on its own. We do not have a district office that provides curriculum, planning, or administrative support. We have no State education network that provides leadership, evaluation, accreditation, research materials, certification, special programs, or personnel.

The reasons our school works are: The tribal community's commitment to a strong school and education; the tribal community's continuing demand that our school give our students a good education; and the development of the school following that commitment and directive.

We have used BIA and title IV resources in the tribal community's determination to develop a good small educational program.

In conclusion, we urge that the Congress reauthorize title IV, implement the positive changes of Senate bill 2496 and work with the BIA and Department of Education to coordinate their efforts to improve Indian education.

As our school shows, we are capable of developing a method of education that shows results. It is tuned to our needs within which we make it work. The situation now is much better than it was at the time that title IV and the Indian Self-Determination Acts were enacted. The legislative programs have allowed us to establish and operate a school that meets our children's education needs. We have been able to reverse the failure that was produced in the public schools and substitute growth.

We urge the Congress to recognize and reinforce the success and to work with the two Federal agencies to remove the problems that are now present in Indian education. Our primary concern is for our children and our school is addressing that concern.

We thank you for the opportunity to speak to the ways that title IV and BIA educational programs have helped us and to listen to our suggestions for improvement. Thank you.

[The prepared statement follows:]

PREPARED STATEMENT OF THE DUCKWATER SHOSHONE TRIBE, SUBMITTED BY VIRGINIA SANCHEZ, MEMBER

The Duckwater Shoshone Tribe operates the Duckwater Shoshone Elementary School using BIA and Title IV funds. The funds have allowed us to establish and operate a school that meets our children's educational needs. Before we started our school, our Tribal children were failing and labeled discipline problems in the public school. Since establishing our school the students show yearly academic growth on standardized tests and are well accepted at the public school that provides high school educational services.

Our main point is that our school works for our children; and, our school was made possible through Title IV and BIA resources. We have had and still have problems with the way the resources are Federally administered. We will address specific problems in detail. But overall, our school works. Our children are showing academic growth where there was previous public school failure. And, our school was established and continues through Title IV and BIA funding support.

Introduction to Reservation and School.

The Duckwater Shoshone Reservation is located in an isolated portion of east central Nevada. Our Reservation is small and the distances to outside services are great.

The district headquarters to the Nye County Public School District is in Tonopah, 140 miles away.

The public high school that receives students from our Tribal elementary school is in Eureka, 47 miles away.

The Bureau Agency Office that monitors our school operations is in Elko, 161 miles away.

Our school, the Duckwater Shoshone Elementary School, is located on the Reservation. The school receives both Title IV and BIA funds for operations. Our children live at home and walk or ride the bus to school.

Over the past nine years, our students have averaged a one year performance gain on standardized achievement tests each year. Our school was started because the public school would not provide our children with good educational services and the public school employed staff who stated our children were incapable of learning past the fifth grade.

As we remember, Title IV was created as an outgrowth of the Kennedy Reports on Indian Education. Indian Education: A National Tragedy pointed out that public and boarding schools were mistreating Indian students, misusing funds, and pushing Indian students toward educational failure. Our school was created out of a public school educational situation that could have been a case study for the Kennedy reports.

Role of Title IV in Establishing and Continuing the Duckwater Shoshone Elementary School.

Title IV funding played a major role in starting our school and has played a continuing role in establishing the strength that our school has today.

In 1973, Title IV funds were the Tribe's source for starting a math, reading, and language survival program when the public school would not teach our children.

Because of the Title IV start, the Tribe was able to gain Bureau of Indian Affairs' "Buy Indian" and then "Indian Self-Determination Act" contract funds for school basic operational support.

Using Title IV and Bureau funds, the school and its academic focus was established.

After the school was established, the Tribe has used Title IV funds to acquire educational supplies and equipment, to begin special activities in career education, prevention of drug and alcohol abuse, extra curricular activities, and to continue an emphasis on student academic performance.

Our school started with an academics and basic skills focus using Title IV funds. Our school has maintained that academic focus with continued Title IV and BIA funding support. Title IV and BIA funding support has played a major role in the school's establishment and development.

Our school has had to develop on its own. We have no district office that provides curriculum, planning, or administrative support. We have no State education network that provides leadership, evaluation, accreditation, research materials, certification, special programs, or personnel. What we have is a Tribal determination that our children will get a good academic education, and resources from the BIA and Title IV that allows our school to operate. We have used those resources and that determination to develop a good, small educational program.

Our school combines BIA and Title IV funds to operate a preschool through grade eight educational program. Our school and services are not elaborate: lower grade students are grouped together and taught in one classroom; upper grade students are taught together in the other classroom; and, the preschool children are taught in an upstairs room next to the library. Our curriculum focuses on academics. It is similar to the curriculum suggested by the State, with bilingual and Tribal cultural additions. The reasons that our school works are: the Tribal community's commitment to a strong school and education; the Tribal community's continuing demand that our school give our students a good education; and, the development of the school following that commitment and directive. And the development of our school has been possible because of Title IV and BIA resources.

Issues with Title IV and BIA education programs.

Our operations are guided by the Tribe, the School Board, and by changes in our funding sources. While keeping our focus on the children and on academics, the

Tribe watches Bureau and Title IV changes and tries to be responsive to each. In this regard, we are concerned over certain current BIA and Title IV changes and supportive of certain S. 2496 changes. In line with those, we would like to point out the following:

Reauthorization of Title IV—Title IV has played a vital role in the establishment and operation of our school. Without the structure and education networks available to BIA and public schools, Tribal contract schools must rely on internal development for growth. Title IV has supplied the resources that were used to develop and continue our operations and produce academic growth in our children.

School standards—we believe that our school is good and we welcome assistance towards gaining accreditation. We urge that all standards and accreditation efforts take school size into account; standards, the process, and the administrative requirements must be adjusted to fit school enrollment and resources. The accreditation process must include technical assistance from the Bureau towards accreditation, with both professional expertise and resources behind the technical assistance.

Allotment formula—The formula needs a small school adjustment and weighting factors for vocational education programs. We support the other additions that were put into S. 2496 and urge that these two, small school factors be included.

Forward funding and notice of allotments—These improvements will give schools information that is needed for operational planning. This is definitely needed and we support the improvements.

Teacher training—One of the biggest problems that our school faces is turnover of certified educational personnel. The professional staff that we recruit and hire, because of our isolation and small size, do not stay long at our school. We need college education programs for our local staff that are conducted on or near our Reservation, or that hold classes during non-school periods that our local staff can use to gain degrees and teaching certification.

We know that Title IV and the Bureau have teacher training resources, but we have not been able to use those yet to develop the capabilities of and gain degrees for our local staff.

Coordination of BIA and Title IV—the Area and agency field offices of the Bureau combined with the teacher training and resource centers of Title IV could produce a coordinated effort towards educational improvement and success. The only successful Federal technical assistance system, the Agricultural Extension Service, has a similar structure. We urge that such coordination be planned and implemented with Congressional oversight to prevent bureaucracy and turf problems.

Title IV restriction on three year proposals—Title IV discretionary proposals are complex and difficult to write. The past two years the Department of Education has restricted proposals to one year projects. This was an administrative, not a Congressional decision. Good planning and program design can be done when working with a three year project; when dealing with a one year project, a similar amount of intensive planning/design is needed, but objectives and results are limited to one year. This causes extra paperwork and takes staff time away from the students and academics.

Title IV restriction on Part A Indian Controlled Schools Establishment proposals—the Department of Education has refused to receive Part AICS proposals to establish Indian Controlled Schools. This refusal combined with BIA restrictions on new starts has hurt many Tribes that are receiving poor educational services. We believe that they should have the opportunity to start their own school when their children are receiving poor services or are forced to attend boarding schools away from home.

BIA incremental funding for education contracts—the Phoenix Area Office funds the school's P.L. 93-638 education contracts in small increments and there have been as many as 60 transactions involving small increments in a single contract year. Each requires a formal budget modification and budget amendment before funds are released. This process increased BIA control of contract funds but places unneeded paperwork and administrative burdens on the school. The school has to spend much more time and effort on meeting BIA contract requirements than on those of other fund sources, but the Bureau refused to pay for the additions with more contract support funds. The process should be changed to full budget approval with modifications requirements in line with those of OMB.

Lack of Indian education knowledge of and support by BIA and Department of Education personnel—BIA and Department of Education personnel could be a great help to Tribal schools. If they were knowledgeable and informative, they could support and acknowledge good programs. Schools are forced into defenseive positions when dealing with their Federal officials. This does not help the schools to grow or the Federal agencies to present that growth to the Congress. We suggest that Congress urge Federal personnel to become more knowledgeable of the schools and to bring back accurate pictures of accountability.

In conclusion, we urge that the Congress reauthorize Title IV, implement the positive changes of S. 2496, and work with the BIA and Department of Education to coordinate their efforts to improve Indian Education. As our school shows, the situation now is much better than it was at the time that Title IV and the Indian Self-Determination Act were enacted. The legislated programs have allowed us to establish and operate a school that meets our children's educational needs. We have been able to reverse the failure that was produced in the public schools and substitute growth. We urge the Congress to recognize and reinforce the success and to work with the two Federal agencies to remove the problems that are now present in Indian Education. Our primary concern is for our children and our school is addressing that concern. We thank you for the opportunity to speak to the ways that Title IV and BIA educational programs helped us and to listen to our suggestions for improvements.

Senator DECONCINI. Mr. Billison.

STATEMENT OF SAMUEL BILLISON, CHAIRMAN, BOARD OF TRUSTEES, NAVAJO ACADEMY

Mr. BILLISON: Senator DeConcini, June Tracy, and other members of the staff. I am honored to testify before this very important committee.

My name is Sam Billison. I am the chairman of the board of trustees for the Navajo Academy. The Navajo Academy is a school for the gifted Navajo students. We also encourage other Indians to enroll at our school.

The school is located in Farmington, NM, which is adjacent to the Navajo reservation. This school is chartered by the Navajo Tribe and it receives basic support under the authority of Public Law 93-638 from the Bureau of Indian Affairs. The charter for the Navajo Academy is to operate a college preparatory high school for Navajo Indians and other Indians. It is designed as a quality-based educational alternative.

The academy offers an accelerated program for highly motivated students who wish to prepare themselves for future leadership roles both on and off the Indian reservations. Along with high school dormitory facilities, the Mission Academy encompasses roughly 100 acres in an expansive orchard, two gymnasiums and a student recreational center.

Currently, the curriculum offers a full range of core courses including history, English, natural and applied sciences, and mathematics, in addition to other instructions in Navajo language, culture, and history. New courses integrate Navajo language and culture with basic skills that are being introduced with a social science program. In the future, we will offer a course in contemporary Indian affairs, contemporary Navajo affairs, the Navajo women, and Navajo society. During the past academic year and continuing to the current one, we are now able to offer courses in computer science and honor courses for highly capable individuals.

Our official enrollment for the academic year 1984-1985 is 225 students. And to our knowledge we are the only college preparatory high school specifically for American Indians. Our demand for students to enter the school is so great that we turn many students down each year. And our boundary for the school is the entire Navajo Reservation.

The Navajo Academy would like to go on record as recommending the continuance of the Title IV Indian Education Office Programs.

Because of our special purpose, we find that without title IV, it would not have been possible to provide many of the important features of a college preparatory program. The Bureau of Indian Affairs provides a basic program and it has been our experience that they, for whatever the reason, seem unable to respond to Indian education needs, specifically for the highly motivated and/or gifted. They have developed program elements that support our type of students but they have not been able to fund them accordingly. Without title IV, some of our important developments would not have been possible.

More specifically, title IV funded a project designed to identify the gifted Indian student. We have taken the findings of this project and attempted to incorporate them into our student identification process. Identifying the gifted student in a culture different from the dominant one of the United States can be a very complex undertaking. Without title IV, the modest progress we have made would not have been possible.

Senator DECONCINI. Mr. Billison, we have a number of witnesses. We have a break planned at 10 o'clock this morning. If you can make any summaries here or go to the changes in Public Law 95-561, your full statement will be in the record. It will be very helpful to the committee.

Mr. BILLISON. OK. Thank you.

The second part I was going to tell you in Navajo but I do not think you would understand it, sir.

Senator DECONCINI. I have a good translator.

Mr. BILLISON. In the interest of time, I would like to also go on record as stating that the Navajo Academy favors the amendment and further we see no reason to withhold the implementation of changes to Public Law 95-561 as contained in the new Educational Amendments of the 1984 Act. The implementation is what we are interested in and I think the sooner this is implemented, it will benefit many, many students. Thank you very much.

Senator DECONCINI. Thank you.

[The remainder of Mr. Billison's prepared statement follows:]

During the academic year 1983-84, with the support of Title IV, we were able to undertake a computer assisted physics course. The initial Title IV project made it possible for us to procure micro-computers, develop curricula, locate software, and provide the first instruction in the course. At the time we were trying to get the course started, the BIA Computer Education program was bogged down in an internal data processing boondoggle that, so I have been told, has cost them millions of dollars without it providing any improvement in automation of effort. BIA now has got its Computer Education Program procedures cleaned up. However, without Title IV, it would not have been possible to undertake the Computer Education Program. Now, we continue to offer the course in Physics, another one in Computer Science, and one in Computer Literacy—all of which use the basic knowledge and equipment provided by Title IV.

More recently, Title IV is providing support for the establishment of secondary Navajo language curricula. It is well known that almost all the curricula work on bilingual education on the Navajo Reservation has been at the primary and elementary levels of schooling. Actually, no curricula in Navajo-English secondary curricula exist. Now, we hope to change this situation. The curriculum development project is part of our Navajo Language Institute which the Navajo Tribe chartered last year to the Navajo Academy.

There are other specific projects I could mention to reinforce our position regarding the necessity of the Title IV Indian Education Office. Suffice it to say that the BIA as well as other Department of Education programs are insufficient to meet the total complex and comprehensive educational needs of American Indians.

CHANGES TO PUBLIC LAW 95-561 TITLE XI AS CONTAINED IN THE EDUCATIONAL AMENDMENTS OF 1984 ACT

I would like to go on record as stating that the Navajo Academy favors the amendments and further, we see no reason to withhold the implementation of them.

To be more specific, the forward funding of contract schools would be of very great benefit to the Navajo Academy. While we have been able to meet our fourth quarter needs, it has been only barely. Each year for the past five years we have experienced a maturing of our program which has meant an increased enrollment. As our program gradually become known beyond the immediate communities, the number of qualified applicants increases. Each year we have enrolled a few more students. Our student count for the fall of 1983 was about 180 students and as I mentioned above, our count for this year was 225. This represents a 25 percent increase, using the 180 student 1983 enrollment as a base. We only within the past few days have received an allocation from the BIA which reflects this increased enrollment. With forward funding we could have started to receive funds in August or possibly September to meet this need which is directly related to an increased number of Indian students attending our school.

It is my view that while our enrollment may reach a plateau at about the current level, it is possible that because of demand we will again increase the enrollment beyond 225. This would especially happen if additional dormitory space were made available, which is currently being contemplated.

Forward funding is also related to basic demographic facts. The increase in Navajo population between 1970 and 1980 was about 55 percent. Even if the rate of population growth among Navajos were to decrease, it can be anticipated that it will continue for a few more generations to be much, much greater than that of the U.S. in general. As you know, school enrollments are expected to increase during the 1980s and this increase is already reflected in our nations schools at the primary levels. It can be expected also that Navajo school enrollments will likewise increase. In this case, forward funding will do much to assist schools to meet the needs as they arise rather than six to nine months later.

It has been our experience that the BIA Education Office handles Education affairs better than its non-education Administrative functionaries. For example, Navajo Academy is contracted under the authority of P.L. 93-638 and as such our contract has been influenced greatly by the non-education 638 staff. For example, the 638 staff has declared that because of the complexities of the BIA Budget, it is not possible to determine how much it costs the BIA to operate the program. As you know, P.L. 93-638 requires the BIA to provide the same amount of money to a tribe to run a program that it spends on that same program. Recently, the 638 Office determined that the non-program funds amounted to about 18 percent of the program funds. In a study of the funding of Education on the Navajo Reservation we have learned that it costs the BIA from 33 to 65 percent of the Education program funds to operate schools. When we presented the BIA with this knowledge and a request for 33 percent of our direct Education funds, the response was silence from the 638 staff. On the other hand, the Education staff did not seem reluctant to consider such a proposition.

The Navajo Academy feels confident that Education personnel in the BIA would do a better job of handling contract schools than is currently being done by non-education staff.

We don't understand why the delay in implementing the amendments. Most of them won't cost the BIA to implement them. For example, the shift of the contracting authority merely means a minor organizational realignment. With the contracting system now being based on the Warrant System, it is even less a matter of organization than in past times as this system passes Government legal knowledge and authority on contracting along with the employee. In past times, the contracting authority was vested in an administrative unit. As I understand it, implementation of this part of the amendments could possibly be achieved with the reassignment of Warranted employees to be under the supervision of Education officials. Why the delay?

CONCLUDING COMMENT

While my statements above have been kept brief, I hope they are sufficiently descriptive to substantiate our position that the Title IV Indian Education Office needs to be continued and that the amendments to Public Law 95-561 Title XI are appropriate and should be implemented as soon as possible.

I have enjoyed having the opportunity to present to the Senate Select Committee on Indian Affairs my comments on these two issues which are vital to the quality education of American Indian children and youth. Thank you.

Senator DECONCINI. Mr. Abeyta.

STATEMENT OF JOSEPH ABEYTA, SUPERINTENDENT, SANTA FE INDIAN SCHOOL

Mr. ABEYTA. Good morning, Senator DeConcini. My name is Joseph Abeyta. I am the superintendent of the Santa Fe Indian School in Santa Fe.

I would first like to thank you for the opportunity that you have extended to the Santa Fe Indian School and I would also like to take the opportunity to thank you for all that you have done for Indian people over the years.

I gave to your staff copies of our complete testimony and hopefully somebody will take some time to review it.

We are very, very concerned in regard to some seeming change in attitude in regard to contract schools. In our opinion we feel that contract schools represent some new opportunities for Indian people to become directly involved in the education of their youngsters.

For whatever reason there seems to be an attitude that contract schools need to be more closely governed, more closely supervised, and it seems as though the initial intent discussed in self-determination is being impacted in a very, very negative way at this time.

When we decided to contract for, first of all, Albuquerque Indian School and then the Sante Fe Indian School, we did it with an assumption that we were going to be able to try to do some new things, that we were going to be able to develop some unique programs. As time goes on there seems to be a growing list of requirements, a growing list of impositions, if you will, that, to an extent, are getting in the way of some of the progress that we are making.

First of all, I would also like to very briefly say that title IV has been quite significant in terms of help for the Sante Fe Indian School. Title IV has represented for us a cutting edge in terms of trying new programs, initiating new ideas, responding to people in terms of new approaches and those that have succeeded we have been able to move into our regular program and support with regular funding. I hope that nothing ever happens to title IV. Title IV has been invaluable in terms of the contributions that it has made.

School standards is an item contained in the new legislation that has been passed and it is still waiting for some funding. Again, the standards are a good idea. I wish that there was a way that schools could be more directly involved in their implementation and in final review.

Presently we are accredited by the State of New Mexico and we are accountable to them regarding State standards. We are accredited by the North Central Accreditation Association and we are accountable to that agency. Now the Bureau of Indian Affairs has come up with standards that I understand they modeled after a program in New York City. We are going to have to be accountable to those also.

It is late now in terms of change. I would guess we submitted recommendations but our recommendations were not responded to. We prefer that the local school be involved in developing its own standards and that the role of the Bureau of Indian Affairs be simply to monitor what we stated initially as what we wanted to accomplish. Possibly that would be a better system. That would be more consistent with self-determination.

In regard to the gifted and the talented, Mr. Billison made a good point. I would like to OK his concern. For a very, very long time it has been our opinion that Indian education, to some extent, has been synonymous with education for the disadvantaged. I have no problem with all of the money that has been appropriated to support tutorial programs and so forth because, God knows, it has been beneficial to us. Now we are realizing some success and there are a growing number of students who benefit from a gifted program and presently there is no money in 561 for that purpose.

If there is anything we can do to support this position in terms of data, we will be more than happy to do it. The gifted and talented is a growing concern.

The final thing, and probably the most important thing, Senator DeConcini, has to do with consideration of a cost of living factor in 561. When we started our school, we were very, very competitive with public schools. We were very, very competitive with other educational institutions, but the base funding for the school has stayed the same over these last 5, 6, or 7 years. Senator, the cost of providing an education has gone up and up and up. We could compete with the schools in our area 7 years ago. They have since left us behind.

I would suggest that the most critical factor in terms of a successful education program has to do with people, and if we are not able to attract qualified, competent, capable people because we are not competitive in the marketplace, we are going to lose a very, very real opportunity in terms of impacting youngsters, Indian youngsters in education programs.

Thank you very much.

Senator DECONCINI. Do you have any figures as to the disparity between Santa Fe teachers and the——

Mr. ABEYTA. Yes, I do.

Senator DECONCINI. Will you supply those to us, please?

Mr. ABEYTA. Yes, I will.[1]

Senator DECONCINI. Thank you. Your prepared statement will be entered in the record at this point.

[The prepared statement follows. Testimony resumes on p. 114.]

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[1] See p. 112.

PREPARED STATEMENT OF THE SANTA FE INDIAN SCHOOL, PRESENTED

BY JOSEPH ABEYTA, SUPERINTENDENT

Senator DeConcini and distinguished members of the Senate Select Committee on Indian Affairs, my name is Joseph Abeyta and I am Superintendent of Santa Fe Indian School in Santa Fe, New Mexico. Today, I am representing the All Indian Pueblo Council/ Santa Fe Indian School Board, staff, and students. I want to thank you for the opportunity to address this committee and to discuss these very important issues.

INTRODUCTION

The All Indian Pueblo Council, representing the Pueblo people of New Mexico, was the first to contract the Albuquerque/Santa Fe Indian School program under the auspices of P.L. 93-638, the Indian Self-Determination and Education Assistance Act.

Our concerned Indian community accepted the challenge to manage and administer its own educational program. From the very beginning, we were confident in our ability to improve on the educational program available to Indian children. The All Indian Pueblo Council made a commitment to develop a high school program of academic excellence.

We are proud to say that today, seven years later, we are succeeding, and we are now prepared to reaffirm our commitment to Self-Determination; however, I would like to talk with you about some areas of great concern to our people:

1. That the success and integrity of Title IV be maintained through adequate administrative and financial support.
II. That the intent of Indian Self-Determination under P.L. 93-638 not be dissolved by additional legislative requirements.
III. That the particular needs of our school under S.2496 be addressed: School Standards; School Boundaries; Funding for Gifted and Talented Students; Forward Funding; Cost-of-Living.

I. TITLE IV

In concurrence with the testimony presented by the Chairman of the All Indian Pueblo Council, we want to commend and state our appreciation of the Title IV Act. This law and subsequent fundings has provided our school, Santa Fe Indian School, with a "fighting edge" to make self-determination work through utilization of all resources.

I would just like to briefly describe four components of Title IV programs we have had in our school program.

A. Culturally Relevant Curriculum Development

Historically, countless endeavors to make the curriculum relevant to Indian youngsters have been tried, our approach is that we are an Indian School, owned and operated by the Pueblo people of New Mexico and that a majority of our staff are New Mexico Indians. From that perceived strength we further assumed that each member of the entire staff is a teacher with unique in-sight into Indian culture. Our challenge was to develop a curriculum built on the strengths of our staff. For Example: the Zuni carpenter can teach both overtly and covertly educational competencies needed by our students. Title IV programs have provided the school with the necessary support so that we were able to develop and pilot test these learning strategies. This curriculum is now well established and a part of the regular school program.

B. Creative Arts Program

This school was contracted in 1977 with a mandate from the tribal leadership to implement a program of excellence. They advised us that discipline and a strong basic skills program be emphasized. These two objectives were developed; however, it did not include strengthening the creative arts. In an analysis of needs assessments of students, parents and staff, a revitalization of the art and music areas was encouraged. Again, the Title IV programs provided the funds so that the school was able to develop, pilot test, supply, and implement a strong creative arts component of music, art, speech, which is now integrated into the regular curriculum.

C. PARENT INVOLVEMENT

The philosophy of the Santa Fe Indian School has always been to seek meaningful parental input into the school program, which includes the academics, dormitories, athletics, counseling, food services, and the health and safety programs; and most importantly, to be involved in the new initiatives implemented through the supplemental projects such as the Title IV programs. Parents participate in the assessment, planning, implementation, and evaluation of each of the programs.

Presently, there are nine active members of the Parent Advisory Council. It is worth noting that there has never been an occasion that a meeting had to be cancelled due to a lack of a quorum. The present members come from as far away as Canoncito, Hopi Pueblo, Laguna Pueblo, and Taos Pueblo. This type of parental involvement required by Title IV only helps to strengthen our program. On December 16th, we are having a Parent Christmas Bazaar, sponsored and operated by our parents to raise $10,000 for a Junior High Science Laboratory.

D. ACCELERATED LEARNING PROGRAM

For the past three years, because of the Title IV programs, the school was able to provide accelerated students with a well rounded and stimulating academic program, which provided target students with individual educational plans and trained staff to work with the accelerated student. Courses such as Physics, Botany, Trigonometry, Analysis, Native American Literature, Native American History, Actors Studio, Speech and Debate and Advanced Art are now added to the school's regular course offerings through the help of Title IV programs.

II. INDIAN SELF-DETERMINATION

In 1975, Congress passed Public Law 93-638 (the Indian Self-Determination and Education Assistance Act). The intent of this law was to help tribes in any possible way to operate their own educational systems and for the tribes to determine the types of educational programs which best fit the needs of Indian children.

Indian Self-Determination was born out of a renaissance in Indian education when young Indian professional educators wanted to assume position of authority and to develop the concept of contract schools. This movement has created a defensiveness on the part of the Bureau of Indian Affairs at the level of Central Office and higher which has blocked necessary progress. These people claim that education is not a trust responsibility and that contract schools need to be closely supervised and regulated.

Partially as a response to this defensiveness, Public Law 95-561 (the Indian School Equalization Program), was passed which among other things, sets a funding formula, imposes standards for academic and dormitory programs; sets personnel requirements. The two laws P.L. 938 and 561 are philosophically opposed to one another and intensify rather than solve progress toward Indian Self-Determination.

Let me briefly describe the progress our school has made under P.L. 93-638:

The educational program at Santa Fe Indian School recognizes the unique cultural and social characteristics of our students as well as individual variations of personality, interest and capability.

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Therefore, the Academic Program includes individualized instruction for the gifted as well as for remedial students. We have a strong computer literacy course. There are active National Junior and Senior Honor Societies. The Evening Program provides classes for student interests, courses for credit, and tutorial programs.

All students are given an academic achievement test, the Comprehensive Test of Basic Skills each year. Students have maintained at least a year's academic growth for each year they have attended this school. This is one of the few, if only, Indian schools where Junior High students are at or above the National norms for grade levels.

The school has an Honor Dormitory for those outstanding students receiving academic excellent grades and a Model Dormitory Program for students to learn skills of independent living in preparation for adult living.

There are five certified counselors in the school program who counsel students in everything from emotional problems to gaining scholarships. Of the 1984 Senior Class, 82% (60) of the graduating students went on to higher education. There were 15 scholarships/awards given to these graduates.

We have a very active recreation and athletic program. Some of the sports provided are: football, cross-country, volleyball, basketball, softball, track, baseball. In football, three players were selected to the All District Team; in Girls' Basketball, they were the District Champions for the fourth straight year; the Boys' Basketball Team, Track, and Boys' Baseball all went to State playoffs, as did the Cross-Country Team.

Some of our Federal Programs used as enhancement of the regular program include: Chapter I, to provide remedial instruction and counseling to students in areas of reading, math, and language arts; Title IV, Accelerated Learning Program for high achieving students; P.L. 94-142 Education of the Handicapped; Reading Is Fundamental (RIF) Program, to provide paperback books for student's ownership and to encourage reading; Title IV-B Comprehensive Computer Education, Staff training and student usage; Primary Health Care, to provide a school nurse and a comprehensive health program.

As mentioned, the Indian communities are highly involved in the education of their children here at Santa Fe Indian School. Community visits were conducted by staff to all the 19 Pueblos, Hopi, Jicarilla, Mescalero, and Navajo reservations. The bottom line is that Indian people be allowed to develop Self-Determination and that this dream not be shattered by defensiveness on the part of the Bureau and shackled by rules and regulations.

III. IMMEDIATE SCHOOL CONCERNS

Senator DeConcini, in closing my remarks to you today, I would like to briefly identify some school concerns which are addressed with the passage of S.2496.

A. School Standards- Section 502 of this legislation clarifies the application of Bureau generated academic and dormitory standards.

Issue: As previously mentioned, for Contract Schools we believe this is a tribal/parental decision as to the type of school/education which best fits the educational needs of their children. We fail to see how the Bureau can mandate standards without a corresponding amount of monies for schools especially in regard to facilities.

B. School Attendance Boundaries - Section 503 of this Act requires the enactment of school attendance boundaries

Issue: Again, we believe that this is a parental/tribal decision. The impact of school boundaries could force Indian children to attend schools both public and private which have historically failed to service their special needs.

C. Gifted and Talented - Section 505 of this Act requires the consideration of several factors for inclusion in the Indian Student Equalization Formula. One of these is funding for Gifted and Talented students.

Issue: Traditionally, education programs for Indian children have been remedial and focused on children with learning problems. There is a line item under P.L. 95-561 for the Gifted and Talented student, but it has never been funded. Therefore, a permanent solution to this problem would be to fund this line item.

D. Forward Funding - Section 506 of this Act permits forward funding for all Bureau funded school programs.

Issue: The concept of forward funding is good. This would end the current Bureau practice of making distribution of program funds long after the start of the school year. Our only hesitation is that available dollars not be handicapped administratively by numerous rules and regulations.

E. Cost-of-Living - Another factor for inclusion in the Indian Student Equalization Formula states that the Secretary shall create a special fund to see that merit monetary awards and quality step increases do not have to be taken from school allotments of regular program. This does not address the problem of cost-of-living.

Issue: Unlike the majority of federal programs (such as Social Security), the Indian Student Equalization Formula does not incorporate any kind of step increase funding for contract school staff. This measure is vital to our school program and needs to be funded.

CONCLUSION

In conclusion, Senator DeConcini, we have tried to demonstrate through this testimony that:

1. The success and integrity of Title IV needs to be maintained.
2. Education through Indian Self-Determination needs to be fostered as a trust responsibility.
3. The school concerns involving S.2496 need to be addressed and corrected.

Thank you for your time and consideration of these matters.

PANEL ON CONTRACT SCHOOLS

Senator DeConcini and honored committee members, as previously mentioned, my name is Joseph Abeyta and I am Superintendent of Santa Fe Indian School, the first school to be contracted under P.L. 93-638 (the Indian Self-Determination and Education Assistant Act). I am respresenting the All Indian Pueblo Council/Santa Fe Indian School Board, staff and students.

In my portion of the panel on Contract Schools, I would like to go more in depth in five areas of concerns I have touched upon in my earlier testimony. These immediate concerns are addressed in S.2469, as "Indian Education Ammendments of 1984".

I. School Standards
II. School Attendance Boundaries
III. Funding for Gifted and Talented Students
IV. Cost-of-Living Increase
V. Forward Funding

I. **School Standards**: Section 502 of this legislation clarifies the application of Bureau generated academic and dormitory standards.

Issue: In 1975, Congress passed the Indian Self-Determination Act (P.L. 93-638). The intent of this law was to help tribes to operate their own educational systems and for the tribes to determine the types of education programs which best fit the needs of Indian children. A second law was passed in 1978, the Indian Basic Education Act (P.L. 95-561). The intent of this law was to equalize funding for all BIA schools through a set formula and to impose standardized curriculum, personnel requirements, and facilities.

In 1977, the All Indian Pueblo Council became the first tribal organization nationwide to contract an educational program under the Indian Self-Determination Act. Since then, only a few schools across the country have "gone contract". Why? Because P.L. 95-561 sets requirements in all areas of school operations, defeating the tribal goal of self-determination.

A recent example of this conflict is the proposed "Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations" (Federal Register, 48, 03/23/83), mandated by Congress as a result of the Bureau's past failure to set any type of standards for educational programs delivered to Indian children. These regulations effectively perpetuate an historical model that has proven to be inadequate. We have the following objections:

1. Local tribes and school boards were not involved in the development of the proposed regulations.
2. The regulations conflict with the right of a tribal contract school to choose its own curriculum and dormitory programs.
3. The proposed standards are based on the rules and regulations of the New York State Education Department. It is our position that Indian children have unique needs that cannot be met by simple compliance with minimum state standards.

Santa Fe Indian School is accredited by the North Central Association of Colleges and Schools and by the New Mexico State Department of Education. We feel that standards and types of accreditation is a tribal decision and that the

- Bureau needs to address its own school standards and to give Contract Schools the discretion as to what standards are needed.

Our last major concern for this area is: How can standards be mandated without a corresponding amount of monies to bring these schools up to standard especially in regard to facilities? There is a Catch 22 in this provision in that a school cannot be closed because it fails to meet standards but the Bureau fails to take any responsibility for seeing that a school has the financial resources to meet these standards.

II. School Attendance Boundaries - Section 503 of this Act requires the enactment of school attendance boundaries.

Issue: We believe that it is a parental/tribal decision as to which educational program best meets the needs of their children. The impact of school boundaries could force Indian children to attend schools both public and private which have historically failed to service their special needs.

The critical aspect of any policy concerning school boundaries is parental involvement. Parental choice is paramount and must not be compromised.

In case of dispute, rather than the Secretary intervening, a committee of peers should arbitrate and resolve differences before intervention by the Secretary.

III. Gifted and Talented Students - Section 505 of this Act requires the consideration of several factors for inclusion in the Indian Self Equalization Formula. One of these is funding for Gifted and Talented students.

Issue: Traditionally, education programs for Indian children have been remedial and focused on children with learning problems. There is a line item under P.L. 95-561 for the Gifted and Talented student, but it has never been funded. Therefore, a permanent solution to this problem would be to fund this line item.

According to national statistics, approximately nine percent of the general population may be classified as "superior" based on I.Q.. If this ratio is projected onto the 55,000 students in B.I.A. funded schools, it could be expected that 5,000 would be in the gifted category. Under P.L. 95-561 the exceptional child may receive a weight factor from .25 to 3 units (1 unit = $1970) depending on the nature of the services delivered. A factor of .50 is moderate and allows the students to participate in the regular program while receiving special services. Using this funding factor as a base, a total of $4,925,000 would be required to fund such a program for our Indian children.

Cost-of-Living: Another factor for inclusion in the Indian Student Equalization Formula states that the Secretary shall create a special fund to see that merit monetary awards and quality step increases do not have to be taken from school allotments for regular program. This does not address the problem of cost-of-living.

Issue: Unlike the majority of federal programs (such as Social Security), the Indian Student Equalization Formula does not incorporate any kind of step increase funding for contract school staff. Therefore, as prices increase and utility costs soar the amount of funds generated by enrollment has remained the same or even decreased. If Contract Schools are to remain solvent and maintain a decent living salary for professional staff it is essential that a special fund be created in order to maintain the intregrity of the regular program funds and operations.

V. Forward Funding: Section 506 of this Act permits forward funding for all Bureau funded school programs.

Issue: Current Bureau practice distributes program funds after the start of the school year. Schools did not receive final notification of their budgets last year until March of 1984, when the school year was almost over. Under this provision, schools would receive notice of their funding level well in advance of the school year for which they would be spent. The concept of Forward Funding is good. Our only hesitation is that available dollars not be handicapped administratively by numerous rules and regulations.

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ALL INDIAN PUEBLO COUNCIL, INC.
ALBUQUERQUE/SANTA FE INDIAN SCHOOL
OFFICE OF THE SUPERINTENDENT
CERRILLOS RD. P.O. BOX [illegible]
SANTA FE, NEW MEXICO, 87502
[illegible]

December 13, 1984

Senator Dennis DeConcini
Senate Select Committee on Indian Affairs
SH 338
Hart Senate Office Building
Washington, D.C. 20510

Attn: June Tracy

Dear Senator DeConcini:

Per your request at the Hearings by the Senate Select Committee on Indian Affairs held in Phoenix, Arizona on December 6, 1984, the following information deals with the salaries paid to teachers in New Mexico, as compared to Santa Fe Indian School professional salaries.

The issue addressed was that S. 2496 does not contain any factor for Cost-of-Living in the I.S.E.F. (Indian Student Equalization Formula) and that unlike the majority of Federal Programs this problem is creating a hardship for Contract Schools in that they are unable to financially compete with surrounding schools for professional staff.

Using information supplied by the Public School Finance Division, State of New Mexico for school year 1983-1984 our average salary of $18,722.00 would place Santa Fe Indian School at a low 77th position of all the 88 school districts reported for the State of New Mexico.

To give you some examples of three near by school districts: School Year 1983-1984:

	Average Salary
1. Los Alamos Public Schools	$24,444.00
2. Santa Fe Public Schools	$20,253.00
3. Albuquerque Public Schools	$19,733.00
4. Santa Fe Indian School	$18,722.00

All of the near by schools pay a greater amount in average teacher salaries.

ALL INDIAN PUEBLO COUNCIL

In 1980-1981, the average salary here at Santa Fe Indian School was $15,633.00. This salary placed us in 64th position throughout the State of New Mexico. Each year since then our ranking has fallen. For school year 1983-1984 the average salary here was $17,301.00, this placed us in 85th position. Only three districts in the State of New Mexico had lower average teacher's salaries.

Senator DeConcini as you can see from these examples we are being placed in a desperate situation and it is very difficult for us to maintain our school program without the financial resources to hire and keep qualified professional staff. The only solution to this problem is that a Cost-of-Living factor be included in the I.S.E.P. formula funding.

We will greatly appreciate any help you can give us on this matter.

Sincerely

SANTA FE INDIAN SCHOOL

Joseph Abeyta

Joseph Abeyta
Superintendent

Senator DeConcini. Mr. Bia.

STATEMENT OF EMMETT BIA, SR., REPRESENTING THE ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARD

Mr. Bia. Thank you, Senator DeConcini and staff members of the U.S. Senate Select Committee on Indian Affairs. I would like to express my appreciation for the opportunity of presenting this testimony before you.

My name is Emmet Bia. I represent the Navajo Community Contract School Board which is comprised of nine Navajo contract schools. In the interest of time, my testimony is before you, so I will summarize.

The issues my statement covers is title IV funding, school standards, facilities, and boundaries. It is all in there. If you have any questions we can put it into writing and send it later.

Senator DeConcini. Thank you, Mr. Bia. We have had an opportunity to look at some of your testimony. We thank you for your detailed suggestions and the problems as you have outlined them here. They will be helpful. I will have a few questions when we finish the entire panel.

Your prepared statement will be entered into the record at this point.

[The prepared statement follows. Testimony resumes on p. 120]

Prepared Statement of Emmett Bia, Sr., Representing the Association of Navajo Community Controlled School Board

Senator DeConcini and Members of the United States Senate Select Committee on Indian Affairs, I want to express my appreciation for the opportunity of presenting this testimony before you. My name is Emmett Bia, Sr. and I represent the Association of Navajo Community Controlled School Board (ANCCSB) which is comprised of nine (9) Navajo contract schools.

Mr. Chairman, my comments will pertain to those "life and death issues" relevant to contract schools. The issues are so labelled because of their vital importance to the survival of these self-determination schools, and it is hopeful that this committee will objectively scrutinize each issue covered.

ISSUE NO 1: FORWARD FUNDING

The yearly funding allocation in its present form may be described as a budgeting nightmare because of the untimely awards being made at the federal and area levels. The gross uncertainty and guesswork in identifying needed funds becomes an undue hardship on schools who have to depend on timely budget announcements and receipt of said funds to plan and implement educational programs. The ongoing federal enabling resolutions are a farce in meeting legitimate program objectives. For a full third to half of the program year, critical funds are neither identified nor released. The concept of forward funding would enable more continuity and uniformity during critical budget transition periods. Forward funding would also allow contract school to budget and plan educational program accordingly without the current excessive lost time and effort. The Bureau of Indian Affairs would also be able to realize the appropriate encumbrance of such funds during the fiscal year without having to lose funds because they have not been identified or released within the actual contract budget period. Forward funding is perceived to be a cost-effective financial arrangement and a potential savings to all concerned. Conceivably, millions of dollars could be saved if such an accountable fiscal plan for revenue identification and disprisement would be implemented prior to the next fiscal year's allocation. Critical federal dollars would actually be guaranteed to go for the use that they were originally allocated—the education of Indian children. As the federal budgeting scenario now stands, much revenue is lost due to unrealistic and cumbersome budgeting practices which run counter to accountable fiscal and program operation.

ISSUE NO. 2: SCHOOL STANDARDS

The concept of Public Law 93-638 mandates that Indian tribes by congressional action are entitled to exercise the control and direction of their schools as a mean of becoming more self-determined in designing and implementing educational programs. Obviously, certain standards would be maintained in order to ensure excellence and quality in education. The basic notion of the public law is to individualize decision-making within tribal schools via community input. The proposed standards in S. 2496 appears to work contrary to the Indian Self-Determination law let and implies the acceptance and superimposition of Bureau standards to which contract schools object.

There are specific examples within S. 2496 which appear designed for contract school failure. Section 502(d) provides for administrative relief to BIA School Boards if the school fails to meet standards because of the lack of funds. Conversely, there is no such relief for a contract school board if standards are not met which would cause a contract to be terminated.

There appears to be clear conflicts between the provisions of S. 2496 and P.L. 93-638 in meeting standards of all sorts among the BIA, State, and sound educational standards in general. This notion should not be transferred to contract schools simply because standards exist which were designed for and and applicable to varying schools across the country. Public Law 93-638 in Section 102(a) states that a contract can be declined for only specific reasons. Failing to meet standards is not one of these declination issues. We believe that provisions herein will create untold problems for Indian tribes and communities who are doing their best to educate children as well as any other organization can. This portion of the bill, Section 502(d) definitely works against P.L. 93-638.

ISSUES NO. 3: FACILITIES

In 1978, Public Law 95-561 set forth the responsibility of meeting necessary academic and facilities standards to the Bureau of Indian Affairs. Today, six years later, there is still no established Bureau rationale which reflects real need, coordinated effort realistic priority, or timely deadlines for the allocation of Bureau of Indian Affairs facility funds to institutions. Institutions receive funds on a "square footage *x* dollars" factor which seems to reflect no coordinated input from contract schools. Excessive fund and efforts are channeled into newer facilities while old facilities are allowed to deteriorate to the point of being safety and health hazards. The time span between when the Bureau targets a site project for major repair and the actual repairs are effected may drag into years. One contract school has been waiting since June of 1981 for a series of major renovation estimated to cost $57,176,773 when the work was finally surveyed and scheduled by the Bureau in response to the schools request made long before that no work has been begun and facilities continue to deteriorate drastically impacting the educational program implementation. As the Bureau is also pressing contract schools to obtain academic accreditation, and facility standards as well as academic standards must be met prior to obtaining accreditation, the Bureau is again negatively impacting the contract school's ability to respond to and meet the Bureau's own mandates. The government is forcing the contract schools to walk a bureaucratic tight-rope between conflicting federal regulations and agencies. Immediate review and attention by this Committee is needed.

ISSUE NO. 4: BOUNDARIES

We recognize the need for school district boundaries which provide mutual respect and equal access to education opportunities. The current legislation (S. 2496) promotes conflicts with established Congressional and Bureau policies. Such conflicts include inconsistent respect for proposed boundaries, aberration of parental choice for their child's school enrollment, and enrollment within a given boundary among others.

ROCK POINT COMMUNITY SCHOOL,
Chinle, AZ, November 30, 1984.

Hon. MARK ANDREWS,
Chairman, Senate Select Committee on Indian Affairs,
Washington, DC.

DEAR SENATOR ANDREWS: The Association of Navajo Community Controlled School Boards, Inc. would like to extend our appreciation to you and the Committee for providing to us an immediate opportunity to participate in your review of S. 2496, the Education Amendments of 1984 at the hearing on December 6, 1984.

We appreciate the effort your Committee is taking to meet with us in Arizona, where we live. You have saved us a great deal of time, energy and money by holding this hearing in our locale.

We believe that there are still substantial problems with Indian education and these need the attention of all concerned persons in order for progress to be made. Some of these problems are resolved with S. 2496, while some are not resolved. We hope your Committee will monitor the progress that the Bureau will make in implementing TITLE V of the bill, and continue to provide us the opportunities to respond to you with our perceptions and problems that we experience.

We welcome you and the Committee to visit Navajoland and observe the quality educational programs that our Member Schools are providing to Navajo children.

On behalf of ANCCSB Executive Board.

Sincerely,

Benjamin Barney,
Interim Director, ANCCSB,
Director, Rock Point Community School.

Comments on Section 2496, "Education Amendments of 1984"

TITLE I: ADULT EDUCATION ACT AMENDMENTS

1. Contract schools (ANCCSB) would recommend that the legislation regarding adult education for *state plans* include language that would require that state planning committees and state plans include the funding of programs for Indians if there is a significant Indian population within that state. Most state committees do not include Indian representatives, and funds for Indian adult education are never included in the state plans. As members of a state, Indian groups and tribes should be included in the general sharing of adult education funds.

2. We support the use of a cooperative agreement for those organizations that wish to use that form of funds transfer, although we believe a grant to be a more flexible arrangement for the receiving agency.

3. We find little merit in the support that the National Institute of education [NIE] receives for research (cf. Sec. 309(b). We do not find the NIE to be at all sensitive to the needs of the Indian populations that are affected by this Act.

TITLE V: AMENDMENTS TO TITLE XI OF THE EDUCATION AMENDMENTS OF 1978

1. REF: Section 502(b).—We believe that this revision of PL 95–561 undermines and begins the slow death of Indian Self-Determination for community schools. He must ask: with BIA standards (or state standards) required, and with the development of a financial accounting and reporting system comparable to that of BIA Education [cf. Sec. 502(c)(3)], what is there that Indian community schools of Indian tribal schools "self-determine" any longer?

We have pointed out to all concerned members of Congress that the process of and the establishment of local educational standards is critical to self-determination.

The major objective to the language as provided in this section is that there is no appeal of the decision of the Secretary in regards to the offered alternative standards. The Secretary may refuse the alternative standards for any reason, substantial or frivolous. Without an appeal procedure, at minimum the initiatives for true self-determination can be squelched. We need an appeal procedure, such as found in 25 CFR 271.81 ff.

2. REF: TITLE V Section 502(c)(2)—The elimination of this second sentence is another attack on self-determination.

The Secretary shall not refuse to enter a contract with respect to any contract school on the basis of failure to meet such standards."

Most, if not all, of the Navajo contract schools owe their "lifeline" or present existence to this clause. The Bureau has repeatedly attempted to force BIA standards (which are still unpublished) as the criteria to contract. We request that this language be re-inserted, so that flexibility is possible for communities to gain the skills of operating a school in meeting the needs of their students.

3. REF: Same as above—There is an inherent conflict between this elimination and the provisions of PL 93-638.

Section 103(a) of PL 93-638 provides specific criteria for the Secretary's decision to refuse to enter a contract. The sentence removed supported those declination clauses. Now that this is removed, we believe the BIA may attempt to close schools down that do not meet any of the standards elsewhere described; yet the provisions of PL 93-638 clearly states that contracts can be declined for only certain reasons, chief among them being that Indian beneficiaries (in our case, Indian students) will be harmed. There is no evidence having standards improves educational opportunity, nor in their absence, students will be harmed. In passing this present legislation, the Congress has created a serious conflict situation, without having improved upon the educational opportunities for students.

4. REF. Section 502(c)(3)—This language requires that all contract schools be immediately in compliance with the standards legislated in these amendments. As written, only new school contractors would be provided the two years to gain the required paper documentation that allows them to educate children "properly."

We request that the language be changed as follows, if this whole section remains intact in this review process:

Within two years of the initial contract, or within two years of the enactment of this paragraph . . .

5. REF: Section 502(c)(3)—Part (3) indicates that some unknown competence will develop fiscal control and fund accounting procedures that will yield data comparable to the data the Bureau generates.

We severely criticize this section.

There are several widely publicized General Accounting Office that describe quite plainly the horrible mess BIA finances are in. Yet contract schools are being legislated and required to emulate a system that is thoroughly full of faults.

We have indicated that the last BIA Education "cost accounting" system that was developed for field use had over 1,600,000 cost codes for the expenditure of funds for schools. We are very fearful that contract schools will get caught in the same boondoggle that BIA schools have been caught in. We fail to understand the wisdom of this legislation.

We ask that this committee be responsive in hearing about the problems that we anticipate when we are forced to emulate and duplicate a system that is antiquated, ineptly implemented, and so very cumbersome for BIA employees. We hope that this committee will exercise due oversight of the work generated by this requirement. The last "Indian organization" that performed services for the Bureau in regards to contractor costs under PL 93-638 (American Indian Law Center) was so politically manipulated by the Bureau that the results were ridiculed by many schools and tribes.

6. REF: Section 502(d)—This section provides some relief to Bureau of Indian Affairs-operated schools when failing to meet the standards, for what would appear to be "causes" beyond the control of the school itself. However, there is no relief similarly provided for contract schools! No federal agency can "take action" against contract school board employees for the reasons cited in this paragraph. We are not federal employees. However, there also is no relief if a contract school also fails to perform for the same reasons indicated for the Bureau schools. If a contract school board fails to meet the standards, it is sudden death—the contract is terminated!! And it appears that the Congress may be giving self-determination protection away here. At least with PL 93-638, there are rules to be followed when a contract school is challenged on its operations.

We request that this committee propose appropriate language that would also provide for relief similar to that stated for BIA-operated schools, that if the failure to meet such required standards is for the lack of funding to meet those standards, no action will be taken to terminate or non-renew a contract school board contract.

7. REF: Section 504(d)—The Contract Schools generally support the language of this section. The Bureau does have procedures for construction priority determinations, and for the distribution of improvement and repair funds. We believe there should be a consultation process in the review and establishment of the formulas the Bureau uses in these distributions. It sometimes appears that the simple mathematical distribution of funds per square footage does not properly reflect the realities of the differences in the conditions of buildings, their location, and the costs to repair and improve. Therefore, a new facility, located in or near an urban setting receives equally the same funding per square foot that an aged, deteriorating facility in the middle of the reservation receives. No acknowledgement or allowances are presently available to fund such differentials.

The contract schools urge the Congress to fund school construction and repairs at a level that is consistent with the proposed Bureau educational/dormitory standards, and that such funds be made available quickly, before the Administration decides to eliminate those schools that they do not wish to support for facility repair reasons.

8. REF: Section 505(a)—The Navajo contract schools support the language of this section. However, we feel we need to caution this committee that there are certain formula provisions of the present language in 95-561 that have not been implemented, including Section 1128(a)(2) (A), (C), and (E). We are concerned that the Bureau will also not implement these new formula modifications that should improve the distribution of funds for educating students.

9. REF: Section 505(b)(3)—The schools support the inclusion of this restatement of the language of PL 93-638 requiring the Bureau to distribute administrative/indirect costs funds to contract schools. We request that this committee carefully monitor the implementation of this language. The Bureau has not distributed funds at this level in the past, and we are concerned that the direction the Senate and House Appropriations Committees have provided to the Bureau supports the shorting of contract schools in this regard. For example, the FY 85 allocation and distribution of "administrative costs" dollars is estimated to meet 94.57% of the FY 84 unadjusted need as determined by Indirect Cost Rates and lump sum arrangements. Does this 5%+ shorting of contract school administrative budgets reflect an equivalent 5% reduction of Bureau administrative funding, post-appropriation actions by the Congress? If not, then it would appear that this provision is not being implemented at this time.

Again, each contract school may differ in size, location and program needs, indicating that a simple "pro-rata" share of dollars will not meet the requirements of this section. The isolated school in the heartland of the reservation may need funds proportionately greater than a larger less isolated school. The Bureau has failed to develop criteria that would support this language, and the demand must be made that they do develop appropriate criteria for meeting the Secretarial Level Funding.

10. REF: Section 505(e)—We are generally in support of this provision, but are concerned about two points:

A. Will the monetary awards be available to contract schools?

B. Will these awards reduce the funds available for basic education of Indian children?

We support the contention that merit increases should be funds the Congress specifically *adds to the budget* rather than taking away from basic services.

11. REF: Section 505(a)—The Navajo contract schools support forward funding. This should assist all BIA-affiliated schools in meeting the need to predict one's budget with reliability.

12. REF: Section 505(b)—The Navajo contract schools support this language. The Navajo Tribe's Tribal Education Agency project was funded under a P.L.93-638 contract, that was not renewed by the Bureau. Because of the immense size of the Reservation and due to the diversity of the communities found therein, the Tribe needs additional time and funds to firmly establish this agency. Without the new language, the Tribe would have to fund its TEA project itself, weakening the federal obligation and treaty promises that the Congress made to educate Indian children.

13. REF: Section 508—We believe that good data collection and management can improve the educational potential for all students. However, we are concerned about the poor performance the Bureau of Indian Affairs has had in establishing competent EDP activities and systems to date. We know that for the Navajo Reservation, computer data tied into the public telephone system is scarcely feasible. We have heard of the several attempts to implement antiquated data management systems. We are concerned that the fiscal accounting procedures also legislated herein may be tied up into the MIS boondoggle. We believe that the Bureau needs to consult with contract schools about MIS and computerized systems, as well with tribes, so that we can participate in this program area. Several contract schools already have sophisticated computer systems and personnel with some experience in the field. We need more efforts on the Bureau's part to discuss these things before obligating funds and establishing unworkable systems.

14. REF: Section 510—We fully support this language. It requires the Bureau to tie regulations to the statutes that they implement, and can assist Indians in understanding the dynamics of the regulatory process.

15. REF: Section 512, new Section 1141(b)—We need a clarification as to the applicability of rent waviers or rental reductions up to 90% to contract schools who utilize government housing. If rental rates for BIA schools only is meant, there would be substantial competitive edge given the Bureau schools in recruiting staff; substantial loss would be experienced by the contract school which could not realize this benefit.

Although it may simplify matters not to have a "reviewable" decision of a superintendent of Area EPA, it becomes more complex if a given superintendent of EPA disfavored contract schools, as is the case in some agencies, favor could be given to a

BIA school at the expense of a contract school, and without a review procedure. Since GAO has repeatedly pointed out the conflict of interest that exists in the relationship itself between contractor and Bureau, we recommend that this committee monitor the implementation of this language and be responsive to complaints of inequities; should any arise.

16. REF: Section 513—We support the extension of the Indian Education Act. This Act has had a major impact in the development of true Indian programs, such programs that the Bureau does not provide funds for.

17. REF: Section 701-752 "Title VII Bilingual Programs"—Title II of what we're still calling Senate 2496 involves a major rewriting of the old Title VII "Bilingual Education Act". While we have some problems with the new Act, it is the best version of that Act to date. We commend the courage and perseverance of those who drafted this title, the integrity of those who worked out the necessary compromises, and the wisdom of the Congress in enacting it.

This version marks a significant turn, at last, from the restrictive dead-end road Title VII had been moving down in recent reauthorizations. Earlier, restrictive, interpretations of Title VII had led many parents and educators to see bilingual education as a program intended for 'dumb' 'sick' kids who we afflicted with a disease called "lack-of-English". We would treat these 'sick' 'dumb' kids with large doses of English and very small doses of Navajo until they were a little 'less-sick', 'less-dumb', and then take them off the Navajo because, like all 'medicines', 'too much' might be harmful.

This bill marks a significant change in direction. It recognizes bilingual education as the sane, normal, natural, healthy, way to educate students who have, or are influenced by, another language than English.

The new Act recognizes that: a primary means by which a child learns is through the use of such child's native language and cultural heritage; (Section 702(a)(5)); large numbers of students of children have educational needs which can be met by the use of bilingual educational methods and techniques; (Section 702(a)(6)).

Both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs develop our national linguistic resources (Section 702(a)(12)); parent and community participation in bilingual education programs contributes to program effectiveness, (Section 702(a)(13)), and declares it to be policy that; In order to establish educational excellence . . . to encourage the establishment and operation . . . of educational programs using bilingual education techniques and methods . . . (Section 702(a)).

We are talking at last about not only "opportunity" but also "excellence"—not about "compensatory" education.

We are particularly pleased to see the formal recognition of "developmental" bilingual education" which might include "approximately equal numbers of" non-LEPs and LEPS. (Section 703(a)(5)(A&B))

For too long Title VII has been construed to sanction/allow only transitional bilingual education. As a foreign observer put it: "The Yanks use the active language as a 'bridge' with which to bring the children into school. Then they burn the bridge behind them."

With the formal recognition of the possibility of "developmental" bilingual education programs, the United States government catches up at last with the best international research and domestic practice. Indians, who did not in-migrate to this country, will be among the beneficiaries of this enlightened change.

We are not as pleased with the formal recognition of "special alternative instructional programs" (which translates in practice as English-only immersion programs).

While we understand the theoretical distinction between "immersion" and "submersion" programs, we cannot see how regulations could be written which would prevent immersion programs from becoming submersion programs. ('If the students survive being thrown in the English Ocean, it must have been an immersion program!')

We do not dispute the right of other communities to give their children immersion/submersion treatments—IF that is what they really want. But we do wonder at [illegible] propriety of using bi-lingual funds to run mono-lingual programs.

Given the fact that it was felt that such a compromise had to be made, we are pleased that such non-bilingual programs will be limited to 4% of the first $140 million and no more than 10% of the total amount appropriated if in excess of $140 million.

Given the allowance of "immersion" programs, the requirements in Section 271(c)(3) that applicants prove that such programs are the least bad alternative are good and should be insisted upon in regulations and practice.

Given the apparent 'holy war' some D of E people have waged for immersion programs, we are concerned about specious 'evaluation' that might seek to 'prove' the superiority of immersion programs by 'finding', to their 'surprise' that students who start with more English end up with more English. The evaluation of these immersion programs must include pre-treatment language assessment.

We are pleased with the inclusion of "program of academic excellence" in the range of programs allowed. For all these too many years, "bilingual education' has been allowed to seem, or acutally be, inferior education.

It is unfortunate that it is still felt necessary to get parents' permission to place them in bilingual education. This is left-over from the attitude that bilingual education is 'special education' for 'dumb' kids.

A time should come in America when school districts will want/need written absolution from parents for educating a student only in English.

We are pleased to see the section 722 having to do with "Indian Children In School".

We do have some concern about possible (mis)-interpretations of Section 722(a)(2) defining a "tribally sanctioned educational authority" as, among other things, an " . . . organization which is chartered by the governing body of an Indian tribe . . . ". Some tribes do not issue charters as such. PL 93-638 requires that "tribal organizations" be sanctioned, chartered, or approved by the tribal governing body. Some BIA employees have taken this language to tell the Tribe that they must issue charters to any school they wish to approve for a 638 contract. This was not the intent of PL 93-638 or this Act. It is hoped that the term "chartered" will not be taken literally but will be understood to include any appropriate form of formal approval by the tribal governing body.

There may need to be some clarification of the intent or operation of Section 722(b). It is our understanding that Title VII projects in BIA-operated schools are often delayed by the money passing through the Bureau. Are there ways of avoiding this while placing legal and fiscal responsibility with the receiving Board not the Bureau?

In conclusion, most of us who have followed Title VII over the years are quite pleased with this Title. With its flaws, it is a far better Act than anyone thought possible last spring.

Our one concern is that the allowing some 'immersion' projects does not become the wedge whereby immersion programs replace bilingual programs.

18. REF: Section 1124(a)—The Navajo contract schools have no general problems with the recommendation to have school attendance areas (boundaries). However, we believe that what a school boundary *does* is not at all clear. What is an attendance area? What is a school boundary? What is the relationship between school boundaries and parental choice, which is a part of Bureau regulations? What do "boundaries" do? Where does the funds go when students transfer? Where should the funds go initially—to the school of a students "boundary" or to the school which accepts the students? What are the administrative restrictions for "bounty hunting" for students?

These are major concerns to a People who think and understand a "boundary" to mean something like a fence that keeps people from using their land. Many Navajos have more than one home, and there is a migration from home to home for many families. Will the boundary be used to prevent people from living an otherwise normal traditional existence?

We request that these issues be addressed by this committee and by the Bureau and tribes, at least for the Navajo area. We must have clear definitions and premises to work when such sensitive topics are "legislated."

Senator DECONCINI. Mr. Cohoe.

STATEMENT OF BENNIE COHOE, EXECUTIVE DIRECTOR, RAMAH NAVAJO SCHOOL BOARD

Mr. COHOE. Good morning. My name is Bennie Cohoe. I am the executive director for the Ramah Navajo School Board. Ramah Navajo School Board was established in 1970. It is a community based educational organization. It is a nonprofit State corporation focusing on educational programs for the community. We were contracting for educational services even before the establishment of 638 and we have an educational services background going back about 15 years. We have been receiving title IV funding for over 10 years. Ramah Navajo School Board, Pine Hill School is accredited by the State of New Mexico as well as North Central Accreditation. So looking at it from that viewpoint, the Ramah Navajo community has used education as a hub to community development and community progress.

The reason the board has sent me down here is to raise some issues which came about because of the new standard that is now going to be imposed, as I interpret it, through Senate bill 2496. It seems as though all the progress that the local community has made is somewhat being put back into the gray area. The tribe and the local community are going to be losing their authority and control in bringing about progress in the area of education for their Indian people. I am definitely concerned in that area. I think there should be more clarification relative to how the standard is now written down; as to how the Bureau of Indian Affairs is going to use it; and how it will more or less bind Indian tribes back into a rut where we will have less flexibility in experiencing new techniques which are now available nationwide.

[Subsequent to the hearing the following correspondence was submitted for the hearing record:]

U.S. Department of the Interior,
Bureau of Indian Affairs,
Albuquerque, NM, January 24, 1985.

Bennie Cohoe,
Executive Director, Ramah Navajo School Board, Inc.,
Pine Hill, NM.

Dear Mr. Cohoe: The National Computer Center has approved the following computer purchases:

1. Contract MOOC14204233, Lump Sum Indirect Cost where your letter dated September 28, 1984 requested to procure three (3) word processors consisting of two desktops and one portable.
2. Contract MOOC14204318, ECIA Chapter I. An approved copy of your application dated January 16, 1985, is enclosed.

Additional information and documents required by the National Computer Center are as follows:

1. A revised cost schedule indicating hardware to be purchased.
2. Make, Model, Estimated Cost of lease or purchase and maintenance.
3. Upon receipt and acceptance of the hardware, please furnish a copy of the purchase order and a list showing Model Numbers, Serial Numbers and Location of using organization for each contract.

Please furnish all of the above documents to this office and we will forward them to the National Computer Center.

Also, once the purchases are made, please contact Ramah Navajo Agency for proper identification and accountability of the equipment, providing a copy of the inventory listing to this office.

Sincerely,

Lloyd Spotted Wolf,
Contracting Officer.

Mr. Cohoe. I am proud to say that the Ramah Navajo community has over 30 students who are now in college. Back in 1970 there was not a single college graduate in the Ramah Navajo community. This was done because the community used self-determination, not only in education but in other areas, in economic development, and so forth. There will be a hinderance if the Bureau of Indian Affairs is allowed to impose standards on local initiative. That is my main concern.

My other concern is, I would like to request Congress to continue funding for the title IV program as well as prekindergarten funding. It needs to be continued because Ramah Navajo School Board's funding resource will be exhausted at the end of this month. After the new year we will not be bringing the prekindergarten students back to the Pine Hill School where we have been helping them for numerous years when funding was available. We will have to close the doors to prekindergarten beginning in the new year.

In the area of O&M, there seems to be a problem on the funding. Our school facility, as Washington remembers, our facilities came through direct congressional appropriation through the efforts of the Ramah Navajo School Board. The Interior has somewhat ignored funding for the facility because they indicated numerous times it was a tribal facility. We are trying to say it is not. The congressional appropriation language says that it will be maintained and it will be a Federal facility but there has been a question of scheduled funds for that facility. We still are experiencing funding shortages for our facilities in the Pine Hill School. I hate to see Pine Hill School looking like bureau facilities built elsewhere. We are doing our best to maintain it as it is right now. We would like to get on the funding system from which the other schools are getting their moneys. We did a check on it and the response we got is that you are not on the O&M funding system. I think questions should be raised.

Another problem that I am concerned about is the way the formula is developed to fund pupil transportation. It is great the way the formula is arrived at and I am pretty sure that anybody in the metropolitan setting can understand it. But, in our situation, we are in an isolated rural area where we have only 24 miles of paved road and the other 186 miles of bus route is just undeveloped dirt roads. If we were running seven 66-passenger buses we would have adequate funding. Because of the isolation and unimproved roads, we have to use 16 minibuses and so obviously that creates a funding shortage, a funding problem situation where last year we ended up with a $40,000 deficit. We are off on our own trying to raise revenues to make up for the deficit which the Bureau of Indian Affairs does not give us in the contract. Those are some of the things we are concerned with. If those things could be raised and could be looked into, I am pretty sure that Ramah Navajo community as well as the Ramah Navajo School Board would be very appreciative.

I would like to say that I am very thankful these hearings are taking place and we would like to see and have more Bureau hearings as they relate to educational issues and health issues. Since there are many concerns which the Indian people have that should be listened to, we would like to have the Government come meet us in the field rather than having to go to Washington all the time. Thank you.

Senator DECONCINI. Thank you very much. On the question you raised about operation and maintenance: You are having trouble getting into the process for your maintenance on a couple of schools or one in particular. We inserted language at the close of the session that we thought was going to help. Have you made a recent request since the 98th Congress was adjourned?

Mr. COHOE. Yes, sir. We have been having negotiations with the central office staff. This is relative to getting the Pine Hills School's facility constructed. Utilizing the fund. Yes. The progress is very slow. It is going to take some time and we are aware of it, but then again, we do have some structures that were constructed since 1974, which the Bureau of Indian Affairs has ignored, accepting funding for those facilities, but now since it took us about 3 years to get them to recognize and to understand our situation, the funding takes about 2 years.

Senator DECONCINI. Are you familiar with the language that we put in the bill?

Mr. COHOE. Yes.

Senator DECONCINI. You may have offered that to us. It was clear to us what the intent of that language was.

Mr. COHOE. Yes; we are too. I understand the intent of your staff. They are saying that they are not bound by that language.

Senator DECONCINI. We will have to change that then. We would like to assist you because that was the intent, and the Bureau of Indian Affairs knew that.

Mr. COHOE. I do not know what needs to be done. Stamp it as a priority or something. They said they were not bound by it.

Senator DECONCINI. Thank you. We will try to work with you on that. Your prepared statement will be entered in the record at this point.

[The statement follows:]

PREPARED STATEMENT OF BENNIE COHOE, EXECUTIVE DIRECTOR, RAMAH NAVAJO SCHOOL BOARD, INC., PINE HILL, NM

The Ramah Navajo School Board presents the following concerns regarding the Indian Education Amendments of 1984 for the consideration of the Committee:

1. Standards: Tribal/Local School Board Authority Sec. 502(b)—revision of 1121(d).

This revision deletes tribal/local school board authority to develop alternative educational standards. Rather, tribes/local school boards may develop "proposals" for the Secretary's consideration. No criteria for evaluation of proposals is delineated to guide the Secretary. No review process or appeals procedure is established to protect tribes/local school boards from declination to adopt/accept by the Secretary.

2. Standards: Contract Jeopardy with Respect to BIA Educational Standards—Sec. 502(c)—revision of 1121(e).

This revision strikes out the second sentence of the paragraph: "The Secretary shall not refuse to enter into a contract on the basis of failure to meet such [BIA] standards." This poses several problems if not clarified: (a) should funding level be insufficient to implement, full-scale, these standards will contracts be withheld? (b) should contract schools/tribes proposed alternative standards will contracts be withheld? (c) will there be an interim period, during which provisional contracts are issued, pending resolution of possible dispute(s) between tribes/contract schools and the Secretary on proposed alternative standards?

Failure to strengthen the authority of tribes/local school boards to establish alternative educational standards and the respective recognition and/or standing of such standards jeopardizes contract schools ability to meet the special needs of their communities—in effect, forcing contract schools into the Bureau's educational mold.

3. Standards: Choice Between Bureau *or* Public School Program(s), Sec. 502(c)—adding new paragraph (2) to 1121(e).

The new paragraph states that contract schools must ". . . be in compliance with . . ." either BIA educational standards or be accredited by ". . . accrediting agencies recognized by the Secretary of Education or the State in which it is found." Again, this forces tribal contract schools to adopt educational programs that reflect either the Bureau or Public Schools. There is ample research and study evidence that these systems have failed Indian children. Contract schools have demonstrated their ability to respond to the needs of their peoples, have a greater understanding of the local situation and must be allowed to continue their efforts to provide quality educational alternatives for Indian children.

We recommend this paragraph be changed to read: ". . . be in compliance with the educational standards established by the Bureau of Indian Affairs or tribal/local school board alternative standards or have obtained or be a candidate for accreditation with one of the accrediting agencies recognized by the Secretary of Education or the State in which it is found." Such language (presupposing the resolution of items No. 1 and No. 2) recognizes the equal status of tribal/local school board educational standards.

4. Standards: Indian Parents Rights, Sec. 503—Section 1124, Amended.

A reasonable system establishing attendance boundaries and admittance criteria must be put in place so long as the P.L. 95-561 guarantee of Indian parents right(s) to choose the educational system appropriate for their children is maintained. It must be recognized that tribal contract schools represent an alternative educational system to Bureau operated programs. Parents must be able to choose between these systems without geographical or other restrictions/barriers.

Further, the Secretary/Bureau needs to be directed to facilitate a resolution to attendance problems/boundaries with regard to public schools. A dialogue must be initiated at the top levels of the Bureau with public schools, states and other relevant government agencies in order to address the continuing problems associated with attendance boundaries between Bureau and public school programs.

5. Bureau of Indian Affairs Education Functions: Operations and Maintenance—Sec. 504(d)(2) recommended addition of paragraph (D).

The amendments clarifying O&M questions vis-a-vis contract schools' educational facilities is greatly appreciated. However, some contract schools operate programs other than education (i.e., IHS Clinic, Social Services, etc.). There continues to be a problem of collecting adequate funding for O&M from these contract schools. We recommend adding the following paragraph to this section:

"(D) The Secretary shall assist contract schools operating non-educational programs to secure adequate O&M funding from various offices within the Bureau, other Interior offices and federal departments."

6. Allotment Formula: Funding Preschool Programs—Sec. 505(a)(2)—Section 1128 (a)(2) Amended.

Several contract schools have in-place preschool programs that will no longer be funded unless funding is provided under the ISEP formula. National studies clearly indicate the success of preschool programs regarding future academic performance by participating children.

Headstart and other preschool funding sources/programs are available to a limited degree and only for those qualifying financially. We therefore ask that the following paragraph be added to this section:

"(J) Costs of providing preschool programs to Indian children not qualifying under Headstart for preschool programs in operation prior to October 1, 1984."

7. Allotment Formula: Contract School Access to Incentive Monetary Awards Funds—Sec. 505(c)—1128—Addition of subsection (e).

Clarification is requested as to whether tribal contract schools will have access to or be eligible to participate in this subsection.

8. Allotment Formula: ADA Calculation for ISEP Funding General Recommendation.

Fluctuating student enrollment and pursuant cost variation is not adequately addressed in the current "Count Week" ISEP calculation formula process. Though it would indeed entail added accounting, we recommend that ISEP funding allotment be determined on the average daily attendance of each school and funding allotment adjusted semiannually. This system would better address student transfers and added or decreased burden on the school's resources.

9. Public Law 93-638 Indian Self-Determination and Education: Recommendations.

(a) Streamline reports and requests for information process and procedure: We recommend that contract supervision, negotiation, etc. be moved to the Central Office to facilitate the contracting procedure. Further, the contracting process needs to be re-examined—schools are service providers and should not be encumbered with the restrictions and demands of contract law. So long as adequate fiscal control is exercised and quality programing delivered, contract schools are doing their job. The Bureau needs to encourage this process by eliminating unnecessary paperwork demands.

(b) Facilitate property transfers and ownership: Many contract schools operate special, one-time funding, projects and have procured equipment through these grants. Often, though adequate institutional capacity exists, continuing these programs is impossible due to questions over property ownership. It is requested the Bureau assist in facilitating the transfer of ownership of such property to the contract school(s).

(c) Education auditing process: The Ramah Navajo School Board strongly supports the concern recognized by the managers regarding fairness and due process of the education auditing process. We urge Congress to act swiftly in resolving these matters (page 54, paragraph 2).

10. Level of Funding for Title IV—Indian Education Programs:

The Ramah Navajo School Board is concerned that the level of funding for these programs continues to decrease. We urge Congress to increase the level of funding for these valuable programs. It is also a concern of the School Board that the project term has been limited to one year. This limitation decreases project continuity and creates an added burden on schools in that they must complete the application process annually.

Senator DECONCINI. Mr. Barajas.

STATEMENT OF LOUIS BARAJAS, CHIEF SCHOOL ADMINISTRATOR, HOTEVILLA-BACAVI COMMUNITY SCHOOL BOARD OF EDUCATION, HOTEVILLA, AZ

Mr. BARAJAS. Senator DeConcini and committee members, thank you for allowing us to be on the panel in support of Senate bill 2496.

My name is Louis Barajas, chief school administrator, the Hotevilla-Bacavi School Board of Education.

Hotevilla-Bacavi Community School is a kindergarten through eighth grade school located on the Hopi Reservation and providing services to Hotevilla-Bacavi.

Knowing the priority that the Hopis have placed on education, and having worked with Chairman Sidney for several years on the high school project, and now running a contract school for the tribe, our board at HBCS took action several months ago to adopt and follow State of Arizona standards. We know the type of education we need to send students out of our school into the new Hopi Junior and Senior High School that has finally become a reality on the Hopi Reservation. The concern that our board has in meeting these accreditation standards is in the area of funding. We are aware of what we receive through our ISEP funding. We know in order to be accredited that certain standards have to be met in providing adequate programs for our students and so we are concerned whether there will be funding available to start library services, council guidance services for students, and computer programs. There are several programs now that we, as a contract school, are not able to fund with operation money that we receive. So the board has taken this into consideration and we are already looking for additional funding.

For example, through title IV, which we are supportive of, we know that adequate funding is not available through title IV to support these services.

The concern that we have raised is will there be funding available to contract schools to meet the standards that we are hoping to begin to follow up this time.

The concern out on the reservation has been with school boundaries for the past year, that is, developing school boundaries. We are a contract school surrounded by four or five BIA schools and they are wanting a more definite answer as to what the boundaries are and what purpose they will serve when a contract school is in a situation where it is surrounded by BIA schools as to really the purpose they serve.

Looking at the language, it is really not spelled out or defined just what service school boundaries will be able to provide.

These two areas have been of great concern for our board members at HBCS and the other areas. Even though we are working toward accreditation we still have questions of rumors flying around concerning school closures if we do not meet accreditation by a certain period of time. We feel that there needs to be more input from local board members, or members of villages, to begin the process of working on development of procedures or alternatives for contract schools that are possibly facing school closure.

There needs to be input from people out in the field who are working with these schools. We feel this is being left out. We are not allowing them to give input into something that a panel, maybe from Washington, is going to be setting guidelines and standards for us to follow, not knowing what is going on out in the field within our areas. Those are the three areas with which we were greatly concerned.

We thank you for allowing us to come down on such short notice to be a part of the Navajo Association of Contract Schools since we are a school that sets out by ourselves on the Hopi Reservation. These are the closest contract schools to us. We are slowly beginning to develop a communication link with them.

Senator DECONCINI. You make some very good arguments about forward funding. I understand the Bureau of Indian Affairs is considering the utilization of a spring student count to determine the level of funding for the succeeding fall term. Will this accomplish the objective of forward funding or is that going to be detrimental? Does anyone care to answer that? Who has that on their agenda?

Mr. COHOE. The forward funding, the way it is now, the way it will be good but it is still as outlined here. If it comes on a timely basis, I guess it will be all right.

Senator DECONCINI. If you took a spring count to determine the level of funding for the next year, would that satisfy you?

Mr. BERLIN. Senator, my role here is to respond to such questions for the association.

Senator DECONCINI. OK, Mr. Berlin.

STATEMENT OF DR. WILLIAM O. BERLIN, EXECUTIVE DIRECTOR, THE ALAMO NAVAJO SCHOOL BOARD, INC.

Mr. BERLIN. I think that the spring count would be adequate if the language contained in the bill were followed with the notification by July 1 of the followup then for 85 percent, I believe it is, and the balance of 15 percent in September. It would be adequate.

What we are told, however, is that with the lack of implementation of the law because of the holdup on the funding, the language, that we would be faced with the possibility of situations such as we had where information has just now been generated and disseminated to us based upon the October count. This is not adequate. It puts you 3 to 4 months into the school year before you can make your decisions on staffing, et cetera. It just does not work. The July

1 date would work based upon a spring count where the followup—it would be adequate.

Senator DECONCINI. Thank you. I have no further questions. Does anyone on the staff? If not, thank you very much for your testimony and your help today.

Your prepared statement will be entered in the record at this point.

[The statement follows:]

PREPARED STATEMENT OF THE ALAMO NAVAJO SCHOOL BOARD, INC., SUBMITTED BY DR. WILLIAM O. BERLIN, EXECUTIVE DIRECTOR

The Alamo Navajo School Board, Incorporated, (ANSB) is most appreciative of the opportunity to present its comments pertaining to the new legislation for consideration by the esteemed Senate Select Committee still actively and conscientiously consulting with Indian people and organizations in an effort to gather information and sentiment relative to their needs, especially those regarding the education of our children. The board is mindful of the valuable work of the Committee ensuring from its past oversight responsibilities and is confident that equally valuable results will be forthcoming upon conclusion of these present hearings.

The comments submitted herein are of two kinds: general and specific. The general perspective is presented first, followed by observations pertaining to specific segments of the legislation. A brief set of recommendations conclude the presentation.

In the opinion of ANSB, the overall intent and effect of the legislation is quite positive, both for contract schools and for schools operated by the Bureau of Indian affairs. Most unfortunately, however, the board believes vital benefits that may have been possible to derive from it have been obviated because of the restriction on use of funds to implement the law.

Two extremely critical, long-standing problems faced by ANSB and other schools were practically eliminated by the language of the law forward funding and administrative overhead. The forced continuance with these problems will impair the abilities of schools to maintain and to improve the educational opportunities offered to students.

Forward funding is necessary if school boards and administrators are to be able to plan school programs adequately and comprehensively. Prevailing opinion notwithstanding, having to wait until three and one-half months of school have already elapsed before learning how much money will be available to operate the school for that year is not satisfactory—it just is not soon enough.

It has been ANSB's contention that the Indian Education Act of 1978 (P.L. 95-561) mandated the development of a formula that included administrative overhead costs. The new law includes the concept, but, unfortunately, it sets forth no specific guide to determination of these costs; neither does it define these. Existing difficulties will remain

The addition of more categories to be considered in calculating the ISEF is commendable. These will provide significant assistance to schools in attempting to provide programs of quality and of scope that will help compensate for the years of unmet needs of Indian students. They should, in fact, be expanded and, by all means, must be funded.

A pervasive and recurrent theme discernible throughout the legislation stirs some concern and apprehension among members of the board. This theme may be stated as the steadily increasing control by the federal agencies, especially the BIA, over the procedures and operations of contract schools. Though some of these will be characterized by several agencies as necessary to adequate control, to operational efficiency, to accumulation of useful information, or to other legitimate and completing functions and purposes, they represent a steady erosion of the autonomy of local school boards; a further restriction of the process of self-determination; and a limitation on the development of individualistic, culturally-tribally-oriented procedures and programs that serve the uniqueness and variety of needs of a given community. More and more, each school program, each administrative procedure, each community goal or tradition is being forced into acceptance of and production of a pale imitation of the public-private school systems as they exist in the non-Indian world. The implications are serious, far-reaching, and inimical to the interests of Indian students and communities, especially those on reservations.

The plan to consolidate all education functions, support services, and construction under the OIEP is commendable. Past experience in attempting to negotiate, consumate, and operate contracts with an agency office that does not understand education, its processes, or its needs has been very poor. However, if intra-agency politics, personalities, favoritism, and professional apathy that now exists within the BIA is not contravened or significantly reduced, this legislative initiative will have small effect. There are already rumors and grumblings at Area and Agency levels concerning the unworkability of the new organizational structure, disputes over transitional procedures, and stated fears of new supervisory relationships. It is predicted here that implementation of these aspects of the Amendments will create several major difficulties for contract schools, when accomplished.

General assistance, protection, and extended authority for local BIA school boards are additional commendable features of the legislation. Similarly, tribes and communities receive more attention, albeit these gains are partially offset by increased authority of the BIA, e.g., in school closure procedures, boundary setting, and setting standards.

In terms of specific sections of the legislation or of specific language and stipulations, several items are of concern to ANSB. These are discussed in the sequential order in which they occur in the legislation's conference report.

Sec. 722 (C). Congress is commended for requiring a bilingual needs assessment and concomitant evaluation of Indian bilingual programs.

Sec. 735. The includion of authorization for research is most encouraging. It is unfortunate, however, that contracts to conduct research must be obtained through competition.

Under Title V are the following:

Sec. 502 (C)(2). The reference to ". . the initial contract . . ." is confusing. Does this section apply only to newly created or contracted schools?

Sec. 502 (C)(3). This section usurps the authority of the local school board, thereby violating the spirit of P.L. 93–638. Forcing a school to change its entire accounting system could be excessively burdensome and expensive, if its system were different than the BIA's (accrual vs cash basis).

Sec. 502 (D). The wording of this section appears to suggest that both Congress and the Bureau officials know in advance that sufficient funds for use by schools in complying with standards will *not* be available in the forseeable future.

Sec. 502 (G)(1). This paragraph is in direct conflict with the language of the Interior Appropriations Conference Report for FY 1984. That conference report required the closing of the Magdalena Peripheral Dormitory when the construction of the Alamo Navajo Community School was completed. This conflict should be resolved.

Sec. 503. The status of contract schools was not addressed in this section on "School Boundaries."

Sec. 504 (D)(2). Difficulties for schools may be predicted to arise because of the dependence of this section's success on the cooperation among the various agency offices of the BIA. To be effective, the agency superintendent for education must be able to control and direct the maintenance employees as well as the funds.

Sec. 505(A)(3). The new formula categories added in this subparagraph are a measurable gain for schools. Arriving at formulas to calculate some of these additions will be difficult. The inclusion of administrative costs for contract schools should have been included in the formula revision rather than in subparagraph (B)(3). A significant amount of consultation with tribes and school personnel will be necessary if equitable funds are made available to schools for these purposes.

Sec. 505(E). The contents of this section raise the question of how contract schools may receive allocations from this "separate fund," and of the possible initiation of a merit pay plan. In the case of the latter possibility, it should be noted that there is much potential for abuse and for penalizing adequate or excellent teachers through use of the subjective criteria.

Sec. 506. This section must be rescued and implemented as soon as possible.

Sec. 1143. Clarification is needed to determine if the stipulations set forth in this section apply to contract schools.

Sec. 513. Based upon the experience of the past years of its existence and upon the needs of its students, the Alamo Navajo School Board most urgently requests that the authorization for 20 U.S.C. 241 be extended for five years. The benefits derived from this Act have often been the difference between continued operation and closure of the school. Benefits to students have been valuable beyond measure, and the involvement of the community in the school and its processes have been appreciably strengthened because of the "Title IV" programs available to the school.

Recommendations are as follows:

1. Supplemental appropriations should be made as soon as possible to enable implementation of the law.

2. Conflicts and contradictory requirements between this legislation and P.L. 93-638 should be identified through the field hearings and should be resolved through legislative amendment during the next session of Congress.

3. Requirements and stipulations that limit or reduce the authority and the autonomy of local boards, both contract and BIA-operated, should be eliminated or ameliorated.

4. More field hearings should be held to allow more entities to present testimony on the existing form of the legislation.

The Alamo Navajo School Board, Incorporated, herewith expresses its thanks to the Senate Select Committee on Indian Affairs for this opportunity to present its opinions and observations. It is most appreciative of the attention and consideration that will be given to these by the Committee and knows that the results of the endeavor will be beneficial to the cause of Indian education.

Senator DECONCINI. We are now going to take a 10- or 15-minute break. When we return we will begin with the panel of the Navajo Area School Board Association, Roger Wilson, vice president, and Robert Salabye, executive board member.

[Recess taken.]

Senator DECONCINI. The Select Committee on Indian Affairs will reconvene and we will have the panel from the Navajo Area School Board Association. Please proceed. Your full statements will be entered into the record. If you will, summarize them for us, please.

STATEMENT OF ROGER WILSON, VICE PRESIDENT, NAVAJO AREA SCHOOL BOARD ASSOCIATION

Mr. WILSON. Thank you, Senator DeConcini and members of the Senate Select Committee on Indian Affairs. We sent you a copy of our detailed written testimony last week and will confine our comments to a few remarks in order to provide ample opportunity for questions from your committee.

The Navajo Area School Board Association president appeared before you on February 21 and stressed several points, many of which were consequently addressed by title V of H.R. 11. We have supported that piece of legislation by resolution and have commented on it extensively during the formation stage.

Meanwhile, we have also filed suit against the Department of Interior for its failure to fully implement Public Law 95-561. For years we have been passing resolutions, writing letters, and testifying before congressional appropriation committees to draw attention to these violations of statutes and Federal regulations. Whereas, for many years we have been ignored. Finally we file an implementation lawsuit to get things accomplished which we have previously testified should have been handled by oversight congressional committees. It is, after all, the laws passed by the Congress that have been ignored.

Now we have a problem. Since our non-Federal funding is limited and the Interior knows it, the settlement negotiations seem to have been purposely stalled even though we have agreed on nearly all points.

We have a question for the committee. What can you do to encourage the Interior Department to settle this lawsuit? The settlement is directly tied to a full implementation of Public Law 95-561. The education system established by that law is a good one. It is much improved from the past but it is still incomplete. Many of the problems we deal with in lawsuits are also the problems dealt with by the Indian education amendment of 1984. We are in a fight and we need your help. We feel this is in fact your fight too.

We want to stress certain items which are of immediate and critical importance. First the forward funding provision. This is essential for the education program plan. Schools do not know how much money they have until late in the year at a point in time when they are faced with procurement deadlines. This must be changed.

Second, facility maintenance has been an identified problem for years. The amendment of 1984 provides for a change where educators will purchase services from facilities managment. This will give the clout necessary to educators to get things done on a timely basis at their schools.

Third, school closure proposals for the Navajos were recently made to the Navajo Tribal Council. In the past, closure plans have often been ill-advised and done with disregard for consultation requirements. Federal regulations promulgated in 1979 mandates that procedures be developed for the school closure. They have never been written and there is a desperate need to get them online right away.

Finally, we want to stress two glaring omissions in the amendment. No. 1, they do not address the wage grade employees problem. Cooks, food service workers and bus drivers remain under this system and the results are they are entitled to pay which is much higher than a similar position in the public schools. This is extremely wasteful and should not be tolerated.

No. 2, the waiver of the Indian preference provision in Public Law 95-561 does not allow preference to be waived in favor of persons who are not currently employed by the Bureau of Indian Affairs. This is nonsense since the effect is to give job preference to non-Indians already employed over outside or nonemployed non-Indians. There is a policy of the local control law and this provision unnecessarily limits that control.

This is the end of our statement.

Senator DECONCINI. Thank you.

Do the other panel members have anything to add?

Let me ask a couple of questions because you certainly raise a good point and I think more than a point. Like you say, there is an issue here that has been neglected by the BIA. What kind of standard do you recommend be used in the interim while, or at least while I hope, the BIA and the tribal governments are in the process of developing the appropriate standard? What is used and what should be used? What is hanging it up now? Are there any interim standards that the tribe adopts or do you just kind of float along?

STATEMENT OF ROBERT SALABYE, COUNCILMAN AND SCHOOL BOARD MEMBER, THE NAVAJO AREA SCHOOL BOARD ASSOCIATION

Mr. SALABYE. Thank you, Senator DeConcini, for coming out here and hearing our input to this very important hearing. I am Robert Salabye, councilman, and also a school board member and a member of this school board association.

Let me just preface my statement by saying it seems very unfair to our children on Navajo land across the country to have the Bureau of Indian Affairs ignore standards for so long and it seems so unfair that we, as school board members, have to muster up our own funds to file a lawsuit against the Bureau of Indian Affairs to implement your laws and our laws that are passed by Congress to implement the quality education on the reservation.

We did file a suit and we want to see some standards. We want to see some guidelines established by the Bureau of Indian Affairs. It is long overdue and it should not have been necessary to file lawsuits to implement these public laws. In the interim of getting the standards I feel that the Navajo Tribe has taken some initative at this time and adopted some educational policies related to school activities on Navajo reservations and I think that is a beginning.

In those policy statements regarding education we have indicated that there are certain areas in curriculum that we would like to see addressed and there are also certain standards we feel that should be across the board from preschool, kindergarten through 12, even the postsecondary schools and even adult education. we are making a broad statement in those areas of pursuit of education and learning skills.

In the interim I think that since there is a big void of standards I believe we need your support in helping us settle this negotiated lawsuit and that the standard for Public Law 95-561 does already put out some guidelines of what should be——

Senator DECONCINI. You have this Senator's support. It just really bothers me that the agency will not respond. I do not know what I can do. I can not force them but I can sure do something to cut off their administrative funds if they are not going to comply and do this.

I have just been advised by the staff here that this has been going on since late 1979.

Mr. SALABYE. Yes.

Senator DECONCINI. I thought it was a year and a half or 2 years. I am out of touch. I am glad you brought it to my attention. I am going to do everything I can in the appropriation process to see that their administrative budget is held up or reduced substantially if they do not issue the standards.

Mr. SALABYE. May I make an additional comment?

Senator DECONCINI. Surely.

Mr. SALABYE. That would really help us to get things rolling.

Another thing is that I understand that the Department of Justice in Washington has washed its hands of this lawsuit and threw it back to the Department of Education to settle. We are not asking for any monetary settlement. All we are asking for is for them to implement the standards and the law that exists.

Senator DECONCINI. Thank you for bringing my attention to that. I did not realize they had been issued and promulgated. I did not realize we had been waiting that long.

Thank you, gentlemen. I appreciate your time and effort. Your prepared statement will be entered in the record at this point.

[The statement follows. Testimony resumes on p. 150.]

PREPARED STATEMENT OF THE NAVAJO AREA SCHOOL BOARD ASSOCIATION, SUBMITTED BY ROGER WILSON, VICE PRESIDENT, AND ROBERT SALABYE, COUNCILMAN AND SCHOOL BOARD MEMBER

The testimony of the Navajo Area School Board Association will address two main areas of concern. In Part I we will go through the current Code, 25 U.S.C. 2001-2019, and identify areas, where the Association believes that changes should be made in the law to make the system more workable. In Part II we will address the 1984 amendments which were recently passed by the congress and signed into law commonly known as Title V of H. R. 11. We ha[illegible]n a critical look at the different provisions which were in those amendmen[illegible]sible deletion or amendment.

PART I

25 U.S.C. 2001(c)

This is the section of the law which establishes state standards as a base which the Bureau standards are not to fall below. For various reasons this particular requirement is not advisable. First, there are many states where Bureau schools are located. To require a change in the BIA standards for each of those states is not particularly feasible. On the Navajo reservation there are schools located in three different states. The circumstance has occurred and will continue to occur where an individual is fully certified in the state of New Mexico and has taught in New Mexico Bureau schools for many years and then applies for a job in a Bureau school in the state of Arizona and finds that to be included on the certificate of eligibles he would have to go back to school for a period of a year or more.

State minimum requirements may or may not be in the best interest of education on the reservations. There is the possibility for the tribe to waive the established standards and develop its own revised standard. This possibility is also there for local school boards if and when authorized by the tribal governing body. We believe that the Bureau standards when they are developed will be very comparable to the standards of various states systems.

Comment: We do not believe that it is necessary or practical to utilize the minimum standards of every state where any Bureau school is located and would advise that this particular section be eliminated in its entirety due to the problems of implementation.

25 U.S.C. 2002(c)

This is the section which deals with national criteria for dormitory situations. This section is often included together with the minimum academic standards section and in fact does essentially the same thing for residential situations. Unlike the academic standards section, however, there is no provision for a waiver of these dormitory criteria by the tribes involved.

Comment: We believe that a provision more or less identical to the provision for the waiver of minimum academic standards should be included. There is no reason to believe that tribes might have a better idea in the area of academic standards but could not possibly have a better idea for the provision of services by dormitories. In fact, we believe that tribes and local school boards might very well make highly beneficial changes in the way that homeliving programs occur.

25 U.S.C. 2009(b)

This section deals with appeals of school board action by the local school supervisor to the school superintendent who may for good cause and in writing overturn the action of the local school board. Regulations which were developed pursuant to this section provide that the Bureau is to establish an appeal process for school boards when they believe that their actions have been overturned for other than "good cause." The Bureau had 180 days to develop this procedure. Such a procedure could have been very simple; however, the Bureau in over four years has still not come up with a draft for such a procedure.

Title V of H.R. 11 proposes extensive language on appeals to school board action, providing that the appeal by the school supervisor must be in writing and be provided to the school board and that the school board also will have an opportunity to give its side of the story to the school superintendent prior to the decision being made. No provision, however, is made for a subsequent appeal by the school board if they feel that the decision of the superintendent is arbitrary.

Comment: We believe that the statute should provide for such an appeal by school boards since this is in fact one of the problem areas in implementation of public law 95-561.

25 U.S.C. 2011(f)

This is the section which deals with the waiver of Indian Preference laws. As public law 95-561 was originally proposed this waiver was an all-encompassing one which was applicable to both employees and non-employees of the Bureau. The interpretation of this section by the Interior Solicitor's Office determined that Indian preference can only be waived in favor of non-Indian applicants who are already employed by the Bureau of Indian Affairs. In effect this creates job preference for non-Indian employees of the BIA which we doubt was the intent of Congress. It also frustrates the basic policy of the law to facilitate Indian control of Indian education.

Comment: As we have stated many times before, Indian preference should be related to the preference of the Indians. We strongly recommend that the section be amended so that the waiver can also be applied in favor of non-employees of the Bureau of Indian Affairs.

25 U.S.C. 2011(n)

This is the definition section where the term "educator" and "education position" are defined.

Comment: We believe that this definition section should be amended to clearly identify all positions funded by education are education positions. There should be no doubt that this includes those positions currently identified as wage grade. If this is not done it will continue to cause extreme financial problems for BIA schools since these positions are simply overpaid. These positions should come under the contract educator system and their pay should be determined by the contract educator pay scale. Pay reductions and status changes would only apply to new hires.

PART II

The second part of our testimony will take a critical look at the provisions which were passed by Congress and signed into law known as the Indian Education Amendments of 1984. We understand very clearly and support the intent of these amendments. Beginning about 1976 and continuing for about two years, a congressional committee for the first time in American history took a critical and thorough look at the BIA education system. The result was a piece of legislation that identified major problems and proposed a legislative solution.

The Bureau of Indian affairs predictably testified on the proposed legislation that they could do everything that the bill proposed to do administratively and, therefore, the legislation was not necessary. The Bureau at that time had no intention of making the necessary changes in the system nor did they make any attempt to do so. The Bureau has also contended that the problems identified with the system could be solved administratively; however, this administration has been extremely lax in implementing even the basic provisions of the law which was passed in 1978 and has refrained from taking a critical look at the system it is operating. Unfortunately, it seems to clearly prefer operating a system which does not work to one that does.

Four years ago progress toward the full implementation of P.L. 95-561 more or less stopped. With apparent assurances that their efforts would be praised, basic provisions of both the statutes and federal regulations were simply ignored. Consultation requirements with school boards and Indian tribes have been treated like a silly game that this administration refuses to play.

I am attaching a copy of the complaint of the NASBA lawsuit against the Bureau of Indian Affairs which specifies some of the major provisions of the law and federal regulations which have been left undone by this administration. Some of these are clearly the fault of the Bureau but others relate to the process of making federal policy known as "cut the budget." It seems that we are in a situation where budget cutting comes first and policy makers come last trying to develop policy that will explain the cuts.

The sweeping reforms made to the Bureau education system in 1978 deserve the opportunity to be fully implemented. Title V of H.R. 11 clearly is an effort to force the administration to get on the stick and solve its problems. As we have indicated, we do not think it always goes far enough since numerous problems are not addressed in the amendments.

Title V, H.R. 11

If we make no comment on the section, it is an indication that we have no strong feelings one way or the other but have no problems with the inclusion of the section.

Sec. 502(a)

This section requires that education standards include immunization requirements developed in coordination with tribes and schoolboards.

Comment: We understand that the drafters of the legislation must have identified problems in this area; however, we have not identified such problems and do not feel that this is an area where tribes and school boards need to be involved. Standards on immunization are pretty well determined and are in the proper realm of health professionals.

Sec. 502(b)

As it reads in the Amendment, the tribe or school board waiving an academic standard would be required to submit alternative standards instead of simply having the authority to do so. Tribal governing bodies formerly had the authority to waive standards and there was a question whether or not that waiver was subject to the Secretary's approval in the same way that revised standards are subject to that approval. This clarification actually reduces tribal authority by requiring that alternative standards be developed.

Comment: We have no problem with the amendment but do not feel that the amendment is particularly important.

Sec. 502(c)(2)

This section addresses the problem of accountability in contract schools which have not been automatically subject to any particular standard. The amendment requires that each contract school either be in compliance with Bureau standards or another standard of an accrediting agency recognized by the Secretary of Education or the state it is located in.

Comment: Since there are NASBA member boards which are actively considering contracting we will comment on sections dealing with contract schools. We see a problem with the wording of this section since it calls for the school to be in compliance two years after its initial contract is signed. There should be separate timelines for existing contract schools and schools which go contract after the passage of this law. If that change is made than a contract school would actually have three options: 1) be in compliance with Bureau standards, 2) be in compliance with standards from some other accrediting organization, 3) get tribal designation for alternate standards which either the school board or the Tribe has developed. These options would seem sufficient to insure accountability without destroying flexibility. We support this provision.

Sec. 502(c)(3)

This requires the Bureau to contract with a national Indian organization to establish fiscal control and fund accounting procedures for contract schools.

Comment: The establishment of a uniform procedure is a matter of some concern to us but we will defer to the contract school associations on this matter. Secondly, the procedure for accomplishing the task "through contract with a national Indian organization" is a bit limiting. We are not certain which organizations this includes nor if those organizations have the capability or interest to perform this extremely important task.

Sec. 502(d)

Comment: We have no problems with this section which provides that adverse action not be taken against a line officer who fails to get the school to meet standards if he/she is clearly not responsible due to inadequate funding, etc. We suspect that there will be more of a problem in getting Bureau officials to take adverse action against an employee who is clearly incapable of utilizing available funds to meet the standards.

Sec. 502(e)

In 1979 federal regulations were promulgated which indicated that the Bureau was to develop procedures both for school closures and for new schools or new school programs. Those procedures are now years overdue and more needed than ever. This section addresses closures and consolidations and prescribes certain guidelines which the Secretary must follow.

Comment: This section would certainly prevent the type of "off the wall" closure efforts which have been proposed over the past few years. We believe this is highly desirable. We do believe that some provision should be made for genuine emergency situations. We also think that the last sentence in item (g)(5) is unclear and may be too restrictive. If in fact the Bureau does announce the possibility of closures as suggested in #(3) and if this could not be done until the end of the school year, there would not be enough time to perform all the other tasks which would need to be done prior to the actual closure. Even the rumor of a school closure could be interpreted as "prejudicing" the personnel of the school, lowering morale, etc.

Sec. 503—School Boundaries

Comment: As originally proposed, NASBA supported this provision due to its flexibility. The final language, however, creates uncertainty and potential problems. First we recommend under small letter "a" that the word "separate" be omitted. It will not be possible nor is there any good reason for separate (exclusive) attendance areas being established for boarding schools and dormitory programs. Attendance boundaries in public schools are present due to a number of reasons, most of them financial. They delineate which areas a public school district has taxation juridiction over, the districts bonding capacity, etc. This function is far more important than the actual designation of which student can attend a given school. The latter function is quite adequately determined in public schools by bus routes.

In Bureau boarding school situations, neither of these reasons apply. Separate attendance areas limit the capability of boarding schools to serve special needs. An idea we are trying to get implemented in the Navajo area is that schools should have areas of emphasis to meet the widely divergent student needs. We would like to see a situation where students and parents make decisions on which school the student will attend based upon program considerations. One school might emphasize Navajo language and culture studies, another might emphasize the vocational area, yet another college preparatory studies. The wording of this statute could prevent that type of situation from occurring.

We would like to see the possibility of a tribal governing body which gets its act together in 1990 instead of 1985 to have the opportunity of proposing to the Secretary a new set of attendance boundaries which reflect the needs of the tribe's students.

This section makes reference only to the establishment of attendance areas and does not address any procedural guidelines for their implementation or enforcement. Such areas developed without procedural guidelines could present major problems.

Sec. 504(a–c)

This section should be regarded as very controversial. It does in fact call for the Bureau to set up separate support services in the area of personnel and procurement. Two major questions come to mind: 1) Are these provisions desirable and necessary? 2) Is setting up separate support services the best way of solving the identified problems?

Comment: These are very difficult questions to answer since little guidance is given by the statute as to how this would be organized. Presumably this could result in the transferring of procurement and personnel staff from under the Area Director to supervision by the Area Education Program Administrator or transferring positions to the supervision of the agency education superintendents. NASBA's position is that we must question whether the potential benefits of the changes involved are important enough to justify such a major reorganization of support service personnel. We believe substantial progress has been made in the quality of services rendered, at least on Navajo. Rather, we believe that the Assistant Secretary should recognize that there is a continuing problem and take the administrative actions necessary to solve such problems on a priority basis. It is the act of neglecting the problems that causes them to get out of hand.

Sec. 504(d)

This section makes a major change in the method by which the operation and maintenance of education facilities program operates. It directs the Bureau to develop a distribution system based upon a computation of need for each facility. The primary change it makes is to allocate funds to the education line officers and provides that they in turn will make suitable arrangements for the maintenance of education facilities with agency superintendents and area directors. The education superintendents will in fact buy services from facilities management offices.

Comment: This is an unusal adminstrative set up. It would give education personnel substantial clout over facilities management personnel. This could well result in substantially improved services. NASBA would suggest in addition to this section which provides that education has the option of contracting outside for maintenance services when the BIA services continue to be substandard.

Sec. 505(b)(2)

This section provides for funds for school board training and activities. There is nothing in it that is substantially different from federal regulations on the same subject. However, after only a couple of years of operation, the fund was slashed in the President's proposed budget and after another couple of years the nature of the fund changed to a centralized training fund much reduced from the original amount. The intent of the statute appears to be an effort to prevent the Bureau from taking such liberties with its own regulations.

Comment: We support the provision but far more important than this provision is a commitment from Congress and the administration that school board activities will be adequately funded. We have discovered over years of operation that regulations and statute alike are quite easily ignored by the persons who hold the purse strings. As will all items that become small separate line items, the vulnerability of that fund seems to increase.

Sec. 506(a)(1&2)

This section provides for forward funding of the education program.

Comment: We strongly support this provision since many of the problems particularly with procurement are related to late receipt of the Advices of Allotment. Another method for dealing with the same problem which would be nearly as effective is to simply provide for carry-over of fiscal year funds to the succeeding fiscal year. Both of these methods would prevent the procurement chaos that occurs during the fourth quarter of every fiscal year.

Sec. 506(3)

Comment: We support the authority of school supervisors to expend up to 10% of the funds to procure supplies and equipment with or without competitive bidding. We believe the purpose of this section is to expedite the procurement process; however, a strict reading of the section might indicate that a school could spend no more than 10% of its budget on supplies and equipment. We do not believe that a school should be prevented from spending more than 10% on these items if those needs are identified.

Sec. 506(b)

Comment: NASBA supports the provision providing for the funding of tribal divisions of education and the development of tribal codes. We can imagine that there might be substantial difficulties in implementing such a provision and believe that perhaps more direction should appear in the statute. We would deem it doubtful that the Bureau would provide sufficient funds for each tribe to be funded on some kind of entitlement basis. Perhaps this program should operate along the line of Part B of Title IV and have some very specific criteria for program funding. We *do not* want to see ISEP funding reduced as a result of this provision.

Sec. 507

These provisions simply add a little detail to the appeal process insuring that the school board is given a copy of the written appeal and is given the opportunity to give a written statement to the superintendent on the matter under appeal. It further provides that the superintendent must identify the reasons for overturning the school board action.

Comment: NASBA has no problem with these provisiens but, as indicated earlier, would like to see some provision made for a school board appeal when it believes that its decision was overturned for other than "good cause."

Sec. 509

This provision that the Inspector General would audit each Bureau school at least once every three years.

Comment: This seems as though it might be excessive. Such audits should perhaps be an in-house procedure within the Office of Indian Education Programs with some involvement by the I.G. from time to time.

Sec. 511

Comment: We strongly support this provision that a Bureau school be allowed to accept voluntary services.

Sec. 512

Comment: Proration of pay over a 12-month period is long overdue and we strongly support this section. We also support the method of providing a stipend in lieu of overtime premium pay or compensatory time. This is in line with the way public schools operate and we see no reason why it should not be done in Bureau schools.

Finally, we support the provision that agency superintendents for education have the authority to waive a certain percentage of the rental rate for educators. Bureau education positions are becoming increasingly less competitive with public school jobs. The situation is occurring where the more sought after educators are taking positions in public schools leaving the less desirable educators in Bureau schools. Meanwhile, rental rates in Bureau quarters have been increasing at an alarming rate. Employees are preferring to commute long distances to their jobs rather than living on site and paying the excessive rental rates.

Another method of handling the situation, of course, would be to reconsider the way such rates are computed. One of the problems that will have to be dealt with if this waiver of rate is utilized on a wide scale is that revenue to the Quarters, Improvement and Repair fund will take a nose-dive. This fund would then have to be supplemented from regular O&M funds.

We hope these perceptions will be useful to the Committee. We find it highly irregular to be testifying on a piece of legislation after it has been passed. We feel that many problems could be solved by timely, no-nonsense oversight by policy making committees.

NAVAJO AREA
SCHOOL BOARD ASSOCIATION

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

COPY

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 14 1984

CIV84 0346 JB

DZILTH-NA-O-DITH-HLE BOARDING SCHOOL BOARD, DLO'AY AZHI BOARDING SCHOOL BOARD, WINGATE HIGH SCHOOL BOARD, INC., CROWNPOINT BOARDING SCHOOL BOARD, GREASEWOOD BOARDING SCHOOL BOARD, STANDING ROCK BOARDING SCHOOL BOARD, WINSLOW DORMITORY BOARD, WIDE RUINS BOARDING SCHOOL BOARD, CHUSKA BOARDING SCHOOL BOARD, PINON BOARDING SCHOOL BOARD, LOW MOUNTAIN BOARDING SCHOOL BOARD, PINE SPRINGS BOARDING SCHOOL BOARD, NAVAJO AREA SCHOOL BOARD ASSOCIATION,

Plaintiffs,

vs.

WILLIAM CLARK, Secretary of the Interior, KENNETH L. SMITH, Assistant Secretary of the Interior for Indian Affairs, KENNETH G. ROSS, Acting Director, Office of Indian Education Programs, Bureau of Indian Affairs

Defendants.

COMPLAINT

UNITED STATES DISTRICT COURT

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Defendants.

COMPLAINT

STATEMENT OF THE CASE

1. In 1978 Congress ordered sweeping reform of the Bureau of Indian Affairs school system through Public Law 95-561, 25 U.S.C. 2001-2019. The major provisions included the establishment of minimum academic standards for the basic education of Indian children, the upgrading of educational facilities, equitable funding of schools through an allotment formula, elimination of general schedule federal civil service status for educators, the vesting in local Indian school boards of substantial control over budget, personnel and policy, and the establishment of an Office of Indian Education Programs to administer BIA education functions separate from the existing Bureau structure. Several of the key reforms mandated in this legislation have yet to

be implemented. It is the purpose of this action to compel Defendant officials of the United States Department of Interior to implement the administrative reforms mandated by the Congress.

PARTIES

2. Plaintiff DZILTH-NA-O-DITH-HLE BOARDING SCHOOL BOARD is the local school board for the Dzilth-na-o-dith-hle Boarding School, a Bureau of Indian Affairs operated school in San Juan County, New Mexico, serving 350 students. Pursuant to 25 U.S.C. 2009(b), the DZILTH-NA-O-DITH-HLE BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $1,579,477 in federal funds for the operation of the Dzilth-na-o-dith-hle Boarding School will be expended. Pursuant to federal law the DZILTH-NAO-DITH-HLE BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

3. Plaintiff DLO'AY AZHI BOARDING SCHOOL BOARD is the local school board for the Dlo'ay Azhi Boarding School, a Bureau of Indian Affairs operated school in Thoreau, New Mexico, serving 140 students. Pursuant to 25 U.S.C. 2009(b), the DLO'AY AZHI BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $711,524 in federal funds for the operation of the Dlo'ay Azhi Boarding School will be expended. Pursuant to federal law the DLO'AY AZHI BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

4. Plaintiff WINGATE HIGH SCHOOL BOARD, INC. is the local school board for the Wingate High School, a Bureau of Indian Affairs operated school in Fort Wingate, New Mexico, serving

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789 students. Pursuant to 25 U.S.C. 2009(b), the WINGATE HIGH SCHOOL BOARD, INC. exercises authority to review, modify, reject, alter and amend the local school financial plan whi[illegible] the document that controls the manner in which more than $4,3[illegible],078 in federal funds for the operation of the Wingate High School will be expended. Pursuant to federal law the WINGATE HIGH SCHOOL BOARD, INC. exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

5. Plaintiff CROWNPOINT BOARDING SCHOOL BOARD, is the local school board for the Crownpoint Boarding School, a Bureau of Indian Affairs operated school in Crownpoint, New Mexico, serving 539 students. Pursuant to 25 U.S.C. 2009(b), the CROWNPOINT BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $2,176,364 in federal funds for the operation of the Crownpoint Boarding School will be expended. Pursuant to federal law the CROWNPOINT BOARDING SCHOOL BOARD exercises policy making and personnel functions, and [illegible] exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

6. Plaintiff GREASEWOOD BOARDING SCHOOL BOARD is the local school board for the Greasewood Boarding School, a Bureau of Indian Affairs operated school in Apache County, Arizona, serving 380 students. Pursuant to 25 U.S.C. 2009(b), the GREASEWOOD BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $1,403,572 in federal funds for the operation of the Greasewood Boarding School will be expended. Pursuant to federal law the GREASEWOOD BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

7. Plaintiff STANDING ROCK BOARDING SCHOOL BOARD is the local school board for the Standing Rock Boarding School, a Bureau of Indian Affairs operated school near Crownpoint, New Mexico, serving 57 students. Pursuant to 25 U.S.C. 2009(b), the STANDING ROCK BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $259,416 in federal funds for the operation of the Standing Rock Boarding School will be expended. Pursuant to federal law the STANDING ROCK BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

8. Plaintiff WINSLOW DORMITORY BOARD is the local school board for the Winslow Dormitory, a Bureau of Indian Affairs operated dormitory in Winslow, Arizona, serving 179 students. Pursuant to 25 U.S.C. 2009(b), the WINSLOW DORMITORY BOARD exercises authority to review, modify, reject, alter and amend the local financial plan which is the document that controls the manner in which more than $479,431 in federal funds for the operation of the Winslow Dormitory will be expended.

9. Plaintiff WIDE RUINS BOARDING SCHOOL BOARD is the local school board for Wide Ruins Boarding School, a Bureau of Indian Affairs operated school near Ganado, Arizona, serving 132 students. Pursuant to 25 U.S.C. 2009(b), the WIDE RUINS BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $671,678 in federal funds for the operation of the Wide Ruins Boarding School will be expended. Pursuant to federal law the WIDE RUINS BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

10. Plaintiff CHUSKA BOARDING SCHOOL BOARD is the local school board for the Chuska Boarding School, a Bureau of Indian Affairs operated school in Tohatchi, New Mexico, serving 454 students. Pursuant to 25 U.S.C. 2009(b), the CHUSKA BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $2,017,446 in federal funds for the operation of the Chuska Boarding School will be expended. Pursuant to federal law the CHUSKA BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

11. Plaintiff PINON BOARDING SCHOOL BOARD is the local school board for the Pinon Boarding School, a Bureau of Indian Affairs operated school in Pinon, Arizona, serving 291 students. Pursuant to 25 U.S.C. 2009(b), the PINION BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls that manner in which more than $1,232,912 in federal funds for the operation of the Pinon Boarding School will be expended. Pursuant to federal law the PINON BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

12. Plaintiff LOW MOUNTAIN BOARDING SCHOOL BOARD is the local school board for the Low Mountain Boarding School, a Bureau of Indian Affairs operated school near Chinle, Arizona, serving 148 students. Pursuant to 25 U.S.C. 2009(b), the LOW MOUNTAIN BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $582,948 in federal funds for the operation of the Low Mountain

Boarding School will be expended. Pursuant to federal law the LOW MOUNTAIN BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

13. Plaintiff PINE SPRINGS BOARDING SCHOOL BOARD is the local school board for the Pine Springs Boarding School, a Bureau of Indian Affairs operated school in Houck, Arizona, serving 51 students. Pursuant to 25 U.S.C. 2009(b), the PINE SPRINGS BOARDING SCHOOL BOARD exercises authority to review, modify, reject, alter and amend the local school financial plan which is the document that controls the manner in which more than $254,314 in federal funds for the operation of the Pine Springs Boarding School will be expended. Pursuant to federal law the PINE SPRINGS BOARDING SCHOOL BOARD exercises policy making and personnel functions, and it also exercises broad powers, authority and duties pursuant to Tribal Law. See 10 N.T.C. 57.

14. Plaintiff NAVAJO AREA SCHOOL BOARD ASSOCIATION was organized in 1973 for the purpose of promoting maximum educational services to Navajo students attending BIA schools. By virtue of tribal law, all local school boards for BIA operated schools on the Navajo Indian Reservation are members of the NAVAJO AREA SCHOOL BOARD ASSOCIATION.

15. Defendant WILLIAM CLARK is the Secretary of the Interior, United States Department of the Interior. In such capacity, Defendant CLARK is responsible for the administration of all programs of the Bureau of Indian Affairs including Indian education programs.

16. Defendant KENNETH L. SMITH is Assistant Secretary of the Interior for Indian Affairs. Defendant SMITH is directly responsible for all programs and activities of the Bureau of Indian Affairs including the operation of Bureau of Indian Affairs schools.

17. Defendant KENNETH G. ROSS is the Acting Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. Defendant ROSS is directly responsible for the operation of all Bureau of Indian Affairs school and education programs.

JURISDICTION AND VENUE

18. Jurisdiction is conferred on this court pursuant to 28 U.S.C. 1331, 28 U.S.C. 1361, 5 U.S.C. 701 et seq., and 28 U.S.C. 2201 et seq..

19. Venue is properly in this court by virtue of 28 U.S.C. 1391(e).

FIRST CLAIM

20. 25 U.S.C. 2001(b) requires the Secretary of Interior to establish minimum academic standards for the basic education of Indian children. Final standards, distributed to all tribes and published in the Federal Register, are required within twenty-one (21) months of November 1, 1978. The Secretary of the Interior has failed to establish minimum academic final standards as required by law.

SECOND CLAIM

21. 25 U.S.C. 2002 directs the Secretary of the Interior to establish national criteria for dormitory situations. The final criteria, distributed to all the tribes and published in the Federal Register, is required within eighteen (18) months of November 1, 1978. The Secretary has failed to establish final dormitory criteria as required by law.

THIRD CLAIM

22. 25 U.S.C. 2005 directs the Secretary of the Interior immediately to begin to bring all schools, dormitories, and other facilities operated by the Bureau of Indian Affairs or under contract with the Bureau in connection with the education of Indian children into compliance with all applicable federal, tribal, or state health and safety standards. The Secretary

is directed to submit to the appropriate committees of the Congress a detailed plan to bring such facilities into compliance with such standards "each time...that the annual budget request for Bureau educational services is presented." The Secretary has failed to submit such a detailed plan to the appropriate committees of Congress as required by law.

FOURTH CLAIM

23. 25 U.S.C. 2006 provides that the Director of the Office of Indian Education Programs shall direct and supervise the operation of all personnel directly and substantially involved with provision of educational services by the Bureau, including (but not limited to) school or institution custodial or maintenance personnel. The Secretary and Assistant Secretary have failed to place such institution custodial, maintenance and other personnel directly and substantially involved with the provision of educational services under the direction of the Director of the Office of Indian Education Programs as required by law.

FIFTH CLAIM

24. 25 U.S.C. 2016 requires that the Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of the education within the Bureau and any problems encountered in the field of education during the year. That statute requires that the report contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. The report submitted by the Secretary for fiscal year 1982 failed to contain suggestions for improving the Bureau educational system and for increasing local Indian control of such system. The Secretary failed to submit any report for fiscal year 1983 as required by law.

SIXTH CLAIM

25. On October 26, 1979 the Bureau of Indian Affairs promulgated regulations for the Indian School Equalization Program, 25 C.F.R.

Part 39. The stated purpose of the rule is to provide for the uniform direct funding of BIA operated and tribally operated day schools, boarding schools, and dormitories.

26. 25 C.F.R. 39.21(c) requires the Director of the Office of Indian Education Programs to review the formula for the allocation of funds and present "a comprehensive report of findings, with recommendations for amendment of this rule, to the Secretary, who shall incorporate them in a notice of proposed rule making to include a minimum of sixty (60) days for public comment." The Director has failed to present a comprehensive report of findings with recommendations in the manner required by 25 C.F.R. 39.21(c).

SEVENTH CLAIM

27. 25 C.F.R. 39.22 concerns authorization of new program development and termination of programs. 25 C.F.R. 39.22(a) requires that within one year of October 26, 1979, the Secretary shall develop uniform procedures and criteria for the authorization of new schools where no Bureau funded or operated school program has previously existed, and for authorization of expansion of existing Bureau funded or operated school programs to serve additional age groups not previously served. The Secretary has failed to develop such uniform procedures and criteria as required by law.

EIGHTH CLAIM

28. 25 C.F.R. 39.22(c) requires that the Secretary develop procedures and criteria which contain provisions for making decisions regarding closing schools and terminating Bureau programs of education. The provisions "shall provide for full consultation with Indian persons and Tribes served by the programs and schools involved in any such decisions." The Secretary has failed to develop such procedures and criteria as required by law.

NINTH CLAIM

29. 25 C.F.R. 39.64 requires that within 180 days after October 26, 1979, the Assistant Secretary for Indian Affairs shall develop and publish in the Federal Register procedures for a formal hearing process which shall be available to school boards who believe their decisions regarding the local financial plan have been overturned for other than good cause. The Assistant Secretary has failed to develop and publish procedures for the formal hearing process specified in the regulation as required by law.

TENTH CLAIM

30. 25 C.F.R. 39.126(d) requires that the Director of the Office of Indian Education Programs establish procedures to provide for Agency School Board approval of Agency financial plans. The Director has failed to establish such procedures as required by law.

ELEVENTH CLAIM

31. 25 C.F.R. 38.4(d) requires the Director of Indian Education Programs to implement a recruitment program to attract qualified Indians for education positions. The Director has failed to implement a recruitment program in the manner specified in 25 C.F.R. 38.4(d).

GENERAL ALLEGATIONS

32. With respect to Claims ONE through ELEVEN, inclusive, Defendants' inaction and unreasonable delay in implementing the cited statutory and regulatory provisions in a timely fashion, as required by law, have and continue to impose hardship on and cause irreparable injury to Plaintiffs, making it virtually impossible for Plaintiffs to carry out their financial planning, personnel and policy making responsibilities in a meaningful manner.

33. With respect to Claims ONE through ELEVEN, inclusive, Plaintiffs have no administrative channels to compel the Secretary

of the Interior and his immediate subordinates to take actions required by law.

34. With respect to Claims ONE through ELEVEN, inclusive, there exists a genuine dispute between Plaintiffs and Defendants such as to require a declaration of the legal rights and obligations of the parties.

WHEREFORE, Plaintiffs pray for relief as follows:

1. For a declaration of the rights of Plaintiffs to an immediate implementation of the provisions of 25 U.S.C. 2001 et seq. and the regulations promulgated thereunder;

2. For a preliminary and permanent injunction compelling Defendants immediately to carry out the actions specified by the Congress in 25 U.S.C. 2001 et seq. and in the regulations promulgated thereunder;

3. For payment by Defendants of Plaintiffs' reasonable attorney's fees and costs; and

4. For such other and further relief as to the court seems just and proper.

Respectfully submitted,

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Senator DECONCINI. The next panel will be the National Federation of Federal Employees: William Davis, national vice president, region 5, and Beth Leidy, vice president, Navajo area representative, and from the National Council of BIA educators, Patrick Carr and Gail Kreigbaum.

Good morning. Please proceed.

STATEMENT OF WILLIAM DAVIS, NATIONAL VICE PRESIDENT, REGION V, NATIONAL FEDERATION OF FEDERAL EMPLOYEES, ACCOMPANIED BY BETH LEIDY, VICE PRESIDENT AND NAVAJO AREA REPRESENTATIVE; PATRICK CARR, PRESIDENT ELECT, NATIONAL COUNCIL OF BUREAU OF INDIAN AFFAIRS EDUCATORS; AND GAIL KREIGBAUM, NATIONAL COUNCIL OF BUREAU OF INDIAN AFFAIRS EDUCATORS

Ms. KREIGBAUM. Thank you. I thank you and I thank the committee for allowing us the opportunity to come here and express the views of the employees we represent.

There are a number of areas that we have already submitted to you in our testimony that we have great concerns about.

Senator DECONCINI. We thank you for your expert detailed testimony.

Ms. KREIGBAUM. Yes. There is one terribly important area that gives a number of our employees a great deal of difficulty. That is with the suggested split within the BIA itself. We see within this type of operation a duplication which will delete or deplete the limited funds that are already available to BIA and therefore limit the amount of education delivery system that we would have. This duplication would be very wasteful and we ask that the committee review this very carefully in hopes to change this section of the law. Thank you that is really all I had to say right now.

Senator DECONCINI. Thank you.

Ms. Leidy.

Ms. LEIDY. Good Morning. My name is Beth Leidy. I do thank you for the opportunity to represent the concerns that we have.

We are trying to stress the fact that BIA is in an increasingly poor competitive position for the recruitment and retention of good qualified professional personnel here in the Southwest. We have starting salaries that are generally lower than the competing public schools. We have housing that is considerably higher than that charged by public schools on the reservation and our houses tend to be in poorer condition. We have health benefits that cost more to the employee but do not provide the same level of coverage as employees in public schools. We have an expenditure for academic needs that is $200 to $300 below the average for the State of Arizona or the State of New Mexico. We have situations in which educational aids who earn salaries between $11,000 and $14,000 a year may have to pay $3,000 to $4,000 a year out of salary for housing, BIA substandard housing. We have situations in which employees in that category who are on furlough in New Mexico, where they do not have unemployment insurance, have furloughs suddenly extended, so that any planning that they have done to finance their family in the period of time when they have no income goes by the board. What do they do to feed their family?

We recognize that there is a limited fiscal pot. We are much in support of those portions of Public Law 98-511 which provide relief relating to housing, to a stipend for extracurricular activities so people will not be asked to do that without pay or that it will not cost an excessive amount when paid in overtime.

We do ask very, very urgently for the relief in rent which is offered by Public Law 98-511. The freedom for the education superintendent and the local administrator to lower rents and to waive rents for those who are in a nonpay position over the summertime so that these people who are on lower income do not have to move out of their houses, which they now do. They move their families out in the summer.

Those things will help to put us in a better competitive position.

We have under 561 a provision that if the competitive position becomes poor that the school may offer a differential, but with per pupil academic expenditures lower than the States of the Southwest, the schools do not have the funds to pay that additional differential and also to provide the textbooks and materials, the supplies which we need. We are now falling behind in those areas. We do not have the material and equipment that many, many public school districts have and it is not just computers, it is the microscopes, film strip projectors and cassette recorders for listening centers. As these things deteriorate we do not necessarily have the money to replace them.

We know that the pot is small and we would like to see it going to the classroom and to the people who work directly with the children as much as possible. I do not know what more I can add.

Senator DECONCINI. Thank you.

Mr. Carr.

Mr. CARR. Yes, sir. Mr. Chairman, thank you for this opportunity to appear before the committee.

I am from the National Council of Bureau of Indian Affairs Educators. My name is Patrick J. Carr. I am the president elect of the NCBIAE. The NCBIAE is a national local affiliate of the National Education Association chartered in 1966 to meet the unique needs and interests of educators and education support personnel within the Office of Indian Education Programs.

At this time I would like to briefly share a few concerns that we have. I think the primary concern that we have at this time is the lack of any specific attention being given to the unique problems facing Indian education. We would hope that this uniqueness is not overlooked or treated with any sort of a broad brush-stroke in achieving general nationwide improvement in education as it simply will not work.

We are also concerned about the recruitment and retention of qualified educators into the program that has been touched on by others this morning. We do feel that it is unfortunate that many educators are forced to leave the profession because of more attractive positions in business and industry.

We note a trend for people who remain in education, particularly out in the Indian country, to leave Bureau employment and transfer to more favorable conditions in the State-supported public school systems. This is creating a tremendous dearth in leadership potential and in other related areas.

We are also concerned about the present policy of furloughing employees in the Bureau of Indian Affairs because of lack of funds or lack of work. We feel that management officials are taking unfair advantage of this situation and are abusing their discretion. We know that there is no lack of work to be done and we feel that their contention that there is a lack of funds is often a coverup for poor fiscal management. Most of the funds are being absorbed in bureaucratic overhead.

The other day I was asked to help one of the instructional aids in a dormitory and realized that there was at least four levels of supervision before she could go up and speak to the principal. This gets more complicated as you get further away from the services provided to Indian people.

Since the implementation of Public Law 95-561 there has been an increased cost in administrative overhead. Area directors and superintendents no longer have the direct responsibility for educational programs yet their salaries were not adjusted accordingly.

The new management officials in the Office of Indian Education Programs naturally had to have their salaries increased because of their additional responsibilities. The teachers, aides, and other support personnel who were converted to seasonal employment positions are subject to furlough whenever these management officials determine that there is lack of work or lack of funds.

We feel that the management people are abusing their discretion in this area and are taking an unfair advantage of the situation and that the entire Bureau of Indian Affairs program is suffering because of it.

Thank you.

Senator DECONCINI. Thank you.

Mr. DAVIS. Senator DeConcini, it is a pleasure to be here this morning.

As part of the written testimony, it is indicated that there is a shortage of teachers throughout the Bureau of Indian Affairs. Many educators are leaving the profession, as Mr. Carr has said, within the Bureau for better positions in the public sector. They are the same children, they are the same geographic area, yet teachers are leaving Bureau of Indian Affairs schools to go teach in public schools. Why do they leave? The reasons for leaving are many, as the written testimony shows: Better salaries, better working conditions; and better living conditions.

As to employees in the Bureau of Indian Affairs, better recruitment policies need to be established. In my opinion it is very frustrating to see three to four teachers yearly leave the Bureau of Indian Affairs school and go and teach in a public school 30 minutes down the road. At my school this was the case this past fall. The teachers do enjoy working at our school. Those who leave are just not willing to put up with the frustrations of the present housing conditions and other conditions within the Bureau schools. More specific examples are found in the written testimony by Mr. Carr.

At the present time we are still understaffed at the school, yet no apparent recruitment is ongoing. It is sad to realize that the children end up as the scapegoats in these situations when the Bureau cannot maintain it's present employees and provide essential recruitment procedures. It is my hope that the Bureau will establish feasible recruitment procedures to entice new employees and to provide benefits to retain the employees that they have already. I hope the Bureau will provide attractive career choices so educators can continue to do the good job they are doing.

Thank you.

Senator DECONCINI. I take it from your testimony that to your knowledge there are no recruitment procedures now.

Mr. DAVIS. There are recruitment procedures going on in different schools. It happens that in the school I am working there are none.

Senator DECONCINI. There are none?

Mr. DAVIS. It is restricted by the salary schedules and the budgets.

Senator DECONCINI. Mr. Carr, you point out, and I do not want to misstate you, there may not be adequate funds but you think more could be done with the existing funds.

Mr. CARR. Absolutely; yes.

Senator DECONCINI. You point out one example. Do you have other examples of where you think there are top heavy administrative expenses that you witnessed, or your members have witnessed, that would help us bring that to light?

Realistically trying to get more funds is not going to be easy at all. I would much rather weed out the excessive administrative expenses. and I tend to think you are right. I do not know because I am not there. I have not seen it. You might be helpful to us. Any of you.

Mr. CARR. I think any type of a management informational system, an automated system, would increase the efficiency.

There is a lot of duplication of effort between the old Bureau of Indian Affairs which had traditionally been providing service and the new Office of Indian Education Program. It seems to be not only a duplication of effort, but at times both of these agencies seem to be at odds with each other or have a conflict of interest. I think this presents a problem to the ultimate mission and goal of the agency, which is to provide direct services to the Indian people. It is something I am not in a position to analyze. It is a feeling I have along with many members in our association.

Senator DECONCINI. Do any of you have available or can you get us, and perhaps it has already been done, studies of the discrepancy between teachers that you represent and those who are in the non-Native American education area?

Ms. LEIDY. Yes, we do have that information.

Senator DECONCINI. Can you supply it to us?

Ms. LEIDY. We can supply that.

Senator DECONCINI. I would like to see it.

Mr. CARR. It is apples and oranges because public schools have certain salaries paid on an annual basis and in Bureau of Indian Affairs schools it fluctuates. Bureau of Indian Affairs people do not know how many weeks they will be working during the year and how much money they will be receiving. The Bureau of Indian Affairs works on an 8-hour basis. The public school works less than that. It is something worth studying. It is very difficult in our present situation to make an analysis of the situation.

Senator DeConcini. Can you not demonstrate some discrepancy based on some formula?

Mr. Carr. Yes, sir. We could say, in the public school in Tuba City where the Bureau of Indian Affairs has educators along with the public school people, that the public school teachers generally make, after a 5- or 10-year period, about 25 percent more in salary.

Senator DeConcini. That is what I am interested in seeing.

I would like also to see any comparison and standard amount off the reservation. What is the difference?

Ms. Leidy. May I speak to that?

Senator DeConcini. Certainly.

Ms. Leidy. I have made a study on a school by school basis around the reservation. For average salaries: the average teaching salary in the State of New Mexico for the school year 1983-84, an actual average of $20,500 for all teachers. The State of Arizona says that they do not maintain those figures. However, the annual report of the superintendent for the 1982-83 school year listed an average teaching salary of $21,119.09. The BIA projects, they do not have an average figure, but they use a figure of $18,880.

Senator DeConcini. Those are the kind of figures I am seeking.

Ms. Leidy. We have starting salaries school by school.

Senator DeConcini. Thank you. If you could submit that to us.

Thank you very much for your very helpful testimony. Your prepared statements will be entered in the record at this point.

[The prepared statements follow. Testimony resumes on p. 162.]

Prepared Statement of the National Federation of Federal Employees, Submitted by William Davis, National Vice President, Region V

Mr. Chairman and members of the Committee: The National Federation of Federal Employees Council of Consolidated Bureau of Indian Affairs Locals [Council] is pleased to appear at this field hearing on the subject of Elementary and Secondary Indian Education Programs. Our Council is the largest labor union representing BIA employees, representing some 12,000 employees in a nationwise bargaining unit. The unit includes both education and non-education employees, professionals and non-professionals.

In Arizona and New Mexico, we represent employees across the Phoenix, Albuquerque and Navajo Areas. On the Navajo Reservation alone, our Council represents some 3,000 employees, which include all non-supervisory Bureau employees other than GS-1710 series teachers, except at the Shonto Boarding School, where we represent all employees. We are vitally concerned with the Bureau's education programs and appreciate this opportunity to offer our views.

As educators we are proud of the job the BIA schools ae doing to educate Indian children. Our system of day schools and both on and off-reservation boarding schools meets the special needs of these students and prepares them to act as responsible adults, able to compete and prosper in society. The BIA schools are best able to serve the Indian student population. The BIA system is successful despite the fact that our per pupil expenditures are lower than those for Arizona or New Mexico public schools. For the 1983-84 school year, the state of Arizona reported average per pupil expenditures of $2,278.71. In New Mexico the figure for that school year was $2,337 and that state projects a slight increase for the 1984-85 year. BIA announced a weighted student unit for formula funding of $2,075 for the 1984-85 school year, and it is expected that this figure will drop to $2,035.

Teacher salaries are also lower for BIA educators than in the Arizona and New Mexico public schools. In New Mexico, the state reported an average teacher salary for the 1983-84 school year of $20,571 and it projected this figure to rise to $22,446 for the 1984-85 school year. The latest figure available for Arizona is for the 1982-83 school year, when the average teacher salary was $21,119. Presumably, that figure rose in subsequent years. The average teacher salary used by the BIA this year to compute formula funding is $18,880. It is important to note that the BIA teacher works a longer day and a longer school year than in either state's public school system.

Despite these lower costs, our students compare favorably with similarly situated public school students. One example of this success is to compare the California Achievement Test [C.A.T.] scores of the students at Shonto Boarding School on the Navajo Reservation to public school students who either speak Navajo exclusively or speak it as their primary language. The table in Appendix A presents this favorable comparison.

Of course, we still believe we can do even better. However, we are quite concerned that our program is being held back because of inadequate funding. In addition, certain policies and practices make it difficult for the BIA to compete for the highest quality professional and nonprofessional staff and keep the employees from efficiently and effectively performing their duties. Our first concern is the formula funding mechanism originally established in Public Law 95–561. Formula funding was intended to be a procedure by which the amount of money necessary to provide quality education to a student in a given set of circumstances would be determined. This amount would then be multiplied by the number of students in those circumstances in a given school. That product would then be allocated to each school, according to its student population and types of programs needed and offered. Instead formula funding is used to divide up an already inadequate "pie" of appropriated funds. The result is inadequate levels of funding at nearly all schools, with smaller schools suffering most. Bureau schools are falling behind public schools in such areas as the use of computers because there has not been sufficient money to put computers in enough classrooms. There are other examples of how inadequate funding threatens the quality of BIA education programs. We urge the committee to use its influence to see that the BIA education program and each BIA school is funded so as to provide the highest quality education for the Indian students under the Government's trust responsibility.

We are concerned about the high rate of teacher turnover in the BIA schools. Teachers are leaving for a variety of reasons: successive pay caps; inadequate and expensive Government housing in remote locations; frustration over budget restrictions; interference on the part of some school boards into the day-to-day operation of classrooms and many others. We have no hard data on teacher turnover and the Bureau did not provide any to us when we requested it. We hope the committee will look further into this problem and begin to find remedies.

As we mentioned earlier one of the problems affecting the Bureau's education program is the attempt by some school boards to interfere with the day-to-day operations of classrooms and with the personnel adminstration in a school. Public Law 95–561 delineated the responsibilities of school boards and a line was drawn making administration of the education program a function of the Bureau, not the school board. Bureau educators are Federal employees and should be supervised, evaluated, and led by Federal employees, not tribal or school board officials. One of our most immediate concerns is the insertion of school boards into the labor-management relationship at a school. The employer in a BIA school is the Bureau. Title VII of the Civil Service Reform Act, which governs labor-management relations in the Federal sector, makes no provision for a third party such as a school board to have any role in this process. School boards have caused and exacerbated conflicts which lead to increased litigation and contention to the detriment of employee morale and efficiency of operations. The Committee should do what it can to see that the role of school boards does not go beyond that described in Public Law 95–561.

Public Law 98–511 made a number of changes to the Indian Education program and structure first established under Public Law 95–561. All of these provisions have been placed on hold, however, as the Continuing Appropriations Act for Fiscal Year 1985 prohibits the expenditure of funds during that fiscal year to implement them. This provides an excellent opportunity to reevaluate these provisions. Some should be repealed as they will be wasteful and detrimental to the Bureau's education mission. Others should be reaffirmed as being necessary to recruit and retain highly qualified educators.

Section 504(c) would transfer control over such matters as procurement, contracting and budgeting to the Director of the Office of Indian Education Programs. This authority will be presumably delegated through channels to the Agency Superintendents for Education. The result will be a wasteful duplication of services. The Superintendents for Education are chosen for their expertise and record as educators. They are not experts in contracting and procurement. These additional responsibilities will take away from their primary academic focus, to the detriment of the students. The Bureau already has a staff of procurement and contracting specialists. Now a second staff will need to be hired. The BIA has had considerable problems in the past in procurement and contracting caused largely by employees being insufficiently trained to properly carry out their responsibilities. Great strides have been made to correct such problems. Now, the Bureau may be recreating them by assigning these duties to a new cadre of inexperienced employees. In many of the Agency offices, there is simply not enough physical space to put these additional education employees. Where does the Bureau plan to put their work stations? The cost of duplicating the procurement, contracting and budget functions will be considerable, but more importantly it will be wasteful. We can see the absurd result of an agency which now receives a product or service from a given vendor to serve the entire Agency, both education and noneducation, having to let two contracts—possibly even conflicting ones—to obtain the same result. Giving education its own separate authority over procurements, contracting and budget is a bad idea and we urge the committee to take action to have this section repealed.

Public Law 95-511 included a number of provisions that will improve the Bureau's ability to recruit and retain qualified educators. Section 512 added three new sections to the system established in Public Law 95-561. The first of these, section 1141, concerns the proration of pay. Educators hired after November 1979 fall under the contract education personnel system. These individuals are appointed for 9-month periods. Their salary is paid over that time so that employees spend three months per year in a non-pay status. Educators hired before November 1979 were given an option to convert to the new personnel system, but most elected to remain under the coverage of the general civil service provisions. These educators are referred to as status quo employees. Since 1979 nearly all status quo educators have been converted from permanent, full-time to subject-to-furlough appointments. They are placed on nonpay status each year for between two and ten pay periods. The effects on the educator's family budget are substantial, as employees spending varying periods of time without income. Unable to meet financial obligations, many educators are choosing to leave the Bureau. It is important to note that under the Internal Revenue Code, professional educators are ineligible to receive unemployment compensation for periods of unemployment occurring between school terms, when they worked the previous term and have a reasonable expectation of working the next. It is of benefit to both the Bureau and the employees to allow employees to elect to receive their salary spread out over a full 12-month year. This pay procedure would cost the Bureau little but would be of tremendous help to educators whose family budgets are often wrecked by the uncertainties of summertime furloughs. We urge the committee to see that this provision is implemented in fiscal year 1986.

Of course, our Council would prefer that educators be given additional work as well as additional pay be the establishment of summer programs in Bureau schools. Ultimately, the Indian children suffer most from the BIA's cutback of summer programs. The Bureau ought to and is best able to provide educational and recreational activities during the summer months. Such activities should be developed by the Bureau and funded by the Congress. We ask the Committee to use its influence to attain these goals.

Section 1142 recognizes a problem that exists in nearly every Bureau school. The Bureau depends on a great deal of overtime on the part of employees to perform such functions as coaching athletic teams, advising student clubs, supervising other extra-curricular activities, or providing tutorial services. Most of these employees are compensated for this overtime with compensatory time off. Because employees are reluctant to take time off during the school year, and because they are on furlough for the summer, the employees are not able to take any time off. As a result, they work extra hours largely without real compensation. This is causing employees to decline to accept assignments to coach or advise student clubs. An active extra-curricular program is necessary for the development and education of students. So, ultimately it is they who pay the price. Current law requires that employees be compensated for each hour of overtime worked. This section would allow employees to elect to receive a flat stipend for serving in a particular extra-curricular capacity. Coaching or advising student clubs is compensated this way in most public school systems. This provision would be fairer to the employee and would better serve the needs of the Bureau and the students, as well. We urge the Committee to do what it can to see that this section is implemented in fiscal year 1986.

The final provision in Section 512 is perhaps the most important. Section 1143 deals with Government-provided housing for employees. BIA employees living in such housing have seen their rents rise in recent years to the point that it is often exhorbitant for the type and location of the housing. OMB regulations are largely to blame, as the condition and isolation of BIA housing are not adequately considered when comparing the housing to that in the private market. These high rents act as a disincentive to take or continue jobs with the Bureau. This provision would allow Agency Superintendents and Area Education Program Administrators to waive up to 90 percent of the rental rate on a school-wide basis to assist in recruitment and retention. Our Council believes this could be an important attraction for employees. The cost to the Bureau is minimal since income generated by rents is not part of the school's budget. The committee should do all it can to see that this provision is implemented in fiscal year 1986.

Our only reservation on Section 1143 is the statement that the superintendents' and administrators' decisions on the need for a rental waiver are final and not reviewable. This removes this area from the scope of collective bargaining. We believe that since rents are not part of the school's budget, then this is a condition of employment that should be a mandatory subject of negotiations. We ask the committee to seek to strike this statement from section 1143(b).

Section 1143 would also waive rents for educators during their periods of nonpay status. This is simply fair. Employees often are more or less forced to live in Government housing due to the isolation of their school. It is through no fault of their own that the Bureau placed them on nonpay status, so the Bureau should not expect them to pay rent during those periods. We urge the Committee to also see that this section is implemented for fiscal year 1986.

Public Law 95-561 directed the Bureau to develop standards for all dormitories at both on and off-reservation boarding schools. Five years have passed and those standards have still not been published. The committee should look into this, and we ask that it pay particular attention to the current draft that is awaiting approval by the Secretary of the Interior. These standards have been made so overly restrictive that some schools could lose as many as 50 percent of their students. This would be devastating to the schools' programs. The problem would be exacerbated by the unwillingness of the administration to request funds to improve existing structures or build additional dormitories.

In conclusion we wish to return to an item we alluded to earlier, that is: the split between Bureau education and noneducation programs. Public Law 95-561 started this split by creating a separate personnel system for educators, establishing separate line authorities for education, and taking education out of the jurisdiction of the then-established Commissioner of Indian Affairs. Public Law 98-511 continues this trend by giving education officials their own authority over personnel matters involving staffing actions and functions, procurements, contracting and budgeting. Despite the statement in the House Report on H.R. 11 that "The Committee wishes to emphasize that it does not intend that these changes encourage, foster or support a division of the Bureau or a transfer of its education programs to any other Department" (p. 21), we do not see any other direction to which these actions can lead. A separate parallel organization is developing within the Bureau. This "split personality" will only hurt Indian education. The Bureau does not need this separate education structure any more than it would for trust responsibilities or social services. Our council recommends to the committee that these efforts of Public Law 95-561 be acknowledged. The contract personnel system should be abolished, with all educators receiving competitive, career appointments under civil service law and regulation. The two sides of the Bureau should be "reunited" so that it is clear that one Federal agency is responsible for services to Indian tribes and people.

APPENDIX A

A comparison of California Achievement Test scores of Arizona public school students who speak the Navajo language exclusively, those who speak Navajo as their primary language, and the students of the BIA's Shonto Boarding School, April 1983.

	AZ, Navajo primarily	AZ, Navajo exclusively	Shonto
Reading			
Grade:			
1	1.5	1.3	1.5
2	2.1	1.8	2.2
3	2.7	2.1	2.6
4	3.5	3.0	3.4
5	4.0	3.9	3.9
6	4.6	4.1	4.2

	AZ, Navajo primarily	AZ, Navajo exclusively	Shonto
7	5.2	4.8	5.1
8	6.2	6.0	6.5
Language			
Grade			
1	1.5	1.2	1.5
2	2.2	2.1	2.2
3	2.8	2.3	2.4
4	3.7	3.2	3.4
5	4.3	4.0	4.1
6	4.7	4.3	4.4
7	5.4	4.8	5.1
8	6.5	6.4	6.5
Math			
Grade			
1	1.7	1.6	1.6
2	2.6	2.6	3.9
3	3.4	3.3	3.3
4	4.3	4.0	3.9
5	5.2	4.9	4.8
6	6.2	5.6	5.5
7	6.6	6.4	6.3
8	7.8	7.6	7.9

PREPARED BY N.ERE.

SCHOOL DISTRICT	STARTING SALARY BA	STARTING SALARY CH + BA	STARTING SALARY MA	TOP OF SCALE	RENT PER MONTH 1BR	RENT PER MONTH 2 BR	RENT PER MONTH 3 BR	OTHER HOUSING COSTS UTILITIES & MAINT.	OTHER HOUSING COSTS ELEC.	PAYMENT OF BENEFITS HEALTH	PAYMENT OF BENEFITS LIFE	PAYMENT OF BENEFITS RETIREMENT	NOTES
Chinle (Chinle, Many Farms, Tsaile)	15,000	15,950 +18	16,900	35,350	30	40	50	Included	Included	District	—	7.2/7.2-Matching	
Flagstaff	15,000	+15 15,330	16,060	29,000	—	—	—	—	—	District	District	6.27/6.27-Matching	
Gallup - McKinley County: Base	14,175	+8 14,465	16,010	28,230	Base $110 - 255/mo. WITH A REBATE FORMULA BACK TO STAFF					60/40 to 75/25%	—	7.6/7.6 - Matching	
Churchrock +144	14,319	14,609	16,154	28,374									These Gallup - McKinley schools have a [illegible] differential shown [illegible] column, based on [illegible] mile for four trips [illegible] The figures show the differential for a [illegible] employee
Crownpoint +1044	15,219	15,509	17,054	29,274									
Navajo +846	15,021	15,311	16,856	29,076									
Ramah +510	14,685	15,275	16,520	29,040									
Smith Lake +792	14,967	15,257	16,802	29,022									
Thoreau +558	14,733	15,023	16,568	28,788									
Tohatchi +522	14,697	14,987	16,532	28,752									
Tse Bonito +414	14,589	14,879	16,424	28,544									
Twin Lakes +342	14,517	14,807	16,352	28,572									
Ganado	15,000	+12 18,000	19,500	31,500	25	35	45	Included	employee	District	District	50/50 Az. system	
Kayenta	15,500	+12 16,150	17,450	31,100	85	90	95	Included	employee	District	District	Az. system	
Page	16,848	+15 17,542	18,536	[illegible],452	—	—	—	—	—	District		Az. system	
Red Mesa (Round Rock, Sweetwater)	16,000	+15 16,750	17,500	29,150	100-150	175	200	Included	District	District	District	7.2/7.2	
San Juan School District	14,500			29,658	90	100	110	Included	employee	District	none	Utah State system - Matching	
Shiprock Public Schools	14,750	+15 16,538	17,325		100	120	130	Included		By Salary		7.6/7.6	
Newcomb +600	16,850	17,138	17,925										District pays rural sala differential.
Naschitti +600	16,850	17,138	17,925										
Tuba City Public Schools	15,100	+15 16,500	17,818	38,656	60-70	70-80	85-95	Included	employee	District	District	6.5 Matching	
Window Rock School Dist. 8	15,600	+15 15,600	17,000	31,800	96.91	131.87	148.85	Included	Included	District	District	District	
Winslow	16,090	+12 16,485	17,670		—	—	—	—	—				
					ORDINARY EXAMPLE								
B.I.A.	14,517	+12 15,618	17,355	22,566	193	251	305	Included	employee	Contributary	employee	Matching	Rents vary with location

Prepared Statement of the National Council of Bureau of Indian Affairs Educators, Submitted by Patrick J. Carr, President Elect

Mr. Chairman and Members of the Committee, on behalf of the members of the National Council of Bureau of Indian Affairs Educators [NCBIAE] and the employees that we represent, I would like to express my appreciation for this opportunity to appear before the Senate Select Committee on Indian Affairs this morning, to express our concerns, for the record, on the Education Amendments of 1984.

The NCBIAE is an affiliate local of the National Education Association, chartered in 1966, to meet the unique needs of educators and support personnel employed by the Office of Indian Education Programs in the Bureau of Indian Affairs. We are the exclusive representative and bargaining agent for education personnel within the Navajo and Albuquerque areas.

It is a generally recognized fact that within the states of Arizona and New Mexico and across the entire nation there is a critical shortage of teachers. This shortage is not expected to improve in the near future. In addition to this fact, it should be noted that many teachers are leaving the profession for better positions in business and industry. Also, many veteran BIA educators, including Native Americans, who decide to remain in education are transferring to state public school systems where they realize increased salaries and better working conditions.

Accordingly, we welcome this opportunity to make Congress aware of our concerns and pray that it will respond favorably. We believe that congressional action is now necessary if the Congress desires the recruitment and retention of quality educators to implement the education programs for the Indian people. The following comments are offered in regard to The Educational Amendments of 1984.

EMPLOYEE BENEFITS

Section 1141 Proration of pay

We are delighted with the provisions of this amendment. We hope that employees will not have to pay rent during the summer, when in effect, they are in a nonpay status because they have chosen the option of having their 9-month salary prorated over a 12-month basis.

Section 1142 Extracurricular activities

We are likewise delighted with the provisions of this amendment, but we would like it to include provisions for educators who are required to accompany students on field trips that exceed normal working hours.

Section 1143 Housing

We are pleased with this amendment and hope that the amenities are included in the "rents." We would also request Congress to declare that employees required to live in government quarters, as a convenience to the government in conducting its programs, shall be entitled to deduct those expenses on their income taxes. In some cases employees are allowed this deduction while in others it is denied.

We would like Congress to declare that the schools and housing quarters be maintained in a standard befitting a federal facility. In many instances the buildings have been neglected for years and are presently in a deplorable condition.

We applaud the provision that will allow employees, in a nonpay status, to have their rent waived during that period. This provision should include employees who choose to have their 9-months pay prorated over a 12-month period.

In addition to those comments we would like to offer the following:

1. In light of the present nation-wise concern for the improvement of educational opportunities, we hope that the unique educational needs of Indian children will not be overlooked or dealt with in a broad-brush stroke. The Office of Indian Education Programs administers a complex program of services to schools scattered throughout 24 states.

2. Congress should explore the feasibility of combining all federal education programs within the Department of Education or some other agency. School systems operated by the Department of Defense, stateside and overseas, the Bureau of Prisons, the Office of Indian Education Programs, etc., could be operated in a more efficient and effective manner under one system, and at the same time offer an attractive career choice for educators employed within such a diverse system.

3. Part of the effort to improve Indian educational opportunities should include opportunities for professional development and upward mobility programs for the

Indian people. There needs to be legal provisions for sabbatical leave to alleviate the burnout that occurs from working in isolated and remote reservation communities.

We would like to suggest the possibility of establishing professional development resource centers at the University of New Mexico in Albuquerque or the Center for Excellence in Education at Northern Arizona University in Flagstaff, because of their familiarity with the uniqueness of Indian education and their accessibility during the summer months to the Indian communities.

4. We request that Congress enact Legislation that waives tuition payments ($2,000+ per year, per child) for non-Indian Bureau employees wishing to send their children to the local Bureau school instead of having them travel an hour or more each day to a distant state supported public school.

5. We deplore the apparent lack of cooperation that appears to exist between the old BIA and the new Office of Indian Education Programs. This manifests itself as a problem in several areas.

(a) Newly hired employees have to wait several weeks, and in some instances, months before they receive their first pay check.

(b) Maintenance in schools and employee housing units is sporadic and not well coordinated.

6. Finally, we wish to call to the attention of Congress the recently adopted policies of the Office of Indian Education Programs by which long-term career Indian educators had their full-time positions abolished and were offered seasonal positions or removal in their place.

While we recognize the right of management to determine how the appropriated funding should be used, we feel that they have abused its discretion in this situation.

BIA management officials, within agency and area offices, were relieved of their responsibilities for the education programs with the implementation of Public Law 95-561. There does not appear to be any decrease in their salaries to reflect this decrease in responsibility.

At the same time, management officials within the newly created Office of Indian Education Programs had their salaries increased because of their increased responsibilities with the education program. The employees were forced into seasonal positions because management suddently realized "a lack of funds."

This whole process was extremely demoralizing to long-term career employees many of whom had to suffer losses in pay up to 25 percent of their annual salary.

Initially, only the local school principal and his secretary were to be kept in full-pay, year-round employment. We now observe management officials hiring other management officials on a year-round basis and the seasonal employees are laid-off because these same management officials declare that there is a lack of work. The employees on their way to the unemployment office must suffer the sight of management officials planting trees, watering lawns and engaged in other tasks that should be done by the employees.

In addition, the "furloughing" has given rise to a number of other abuses.

1. Employees must now make a hectic effort to get the school programs ready for the children and in some instances they arrive back on the job at the same time that the children arrive at school. There is little or no time to prepare programs and facilities for the students.

2. Employees are unable to use their annual leave during the school year because "school is in session." They are now unable to use their annual leave when school is not in session. They are told that there is a lack of funds to pay them.

3. Employees are unable to plan their annual income as the furloughs vary from year to year and from school to school.

4. BIA seasonal education employees in New Mexico have been told they are not entitled to and denied unemployment benefits when they are furloughed during the summer months. They cannot obtain any other gainful employment during their furlough period.

These same seasonal employees are not able to have their salaries prorated, either, over the year because no one knows how long they will work or how much they will earn.

5. Many career employees were forced to leave the Bureau and seek employment within local public school systems where they can realize better working conditions and an increase in pay. Those who choose to remain were severely demoralized and felt betrayed by the management officials who were supposed to be providing support for them in their work with the children. Those who have remained have experienced a dearth in leadership and a loss of continuity in the program.

6. In some instances employees are being laid-off during the Christmas recess and spring break. Others are being placed in 6-hour work days. They are told there is a "lack of funds" and/or "a lack work."

7. Many schools had to open this year with a shortage of teachers.

8. In many instances the employees feel that "the shortage of funds" is actually the result of poor fiscal management and the inability of management officials to work out an equitable formula for funding the schools.

9. Career advancement and upward mobility programs have been severely curtained as employees are laid-off during the summer months without pay and unable to attend any sort of programs during the school year because of the distances between their homes and the institutions of higher learning.

10. Employees are no longer eligible for incentive awards for their work unless they are laid-off to obtain the funds in order to pay for them.

Mr. Chairman, as you are well aware, our employees labor under unique and difficult circumstances. We function within an extremely complex school system. We must contend with a mindless bureaucracy that has long lost its perspective on the role it was designed to play in supporting of those directly involved with providing educational opportunities for the Indian People.

In spite of it all, Mr. Chairman, you will find our employees to be as dedicated and devoted to the intentions of Congress as any found in Federal service. We love our work and the challenges that it presents to us. Please help make Indian education within the Office of Indian Education Programs an attractive career choice, and provide us with the resources to do an even better job.

Senator DECONCINI. Our next witness is Mary Helen Creamer, executive director, Navajo Division of Education, Window Rock, accompanied by Rosemary Blanchard, Navajo Division of Education.

Good morning. Please proceed. I have your full statements in front of me. We will be sure they are in the record. If you will, summarize them for us, please.

STATEMENT OF THE NAVAJO DIVISION OF EDUCATION, SUBMITTED BY MARY HELEN CREAMER, EXECUTIVE DIRECTOR, ACCOMPANIED BY ROSEMARY BLANCHARD

Ms. CREAMER. Senator DeConcini, members of the Senate Select Committee on Indian Affairs and staff, I would like to take this opportunity to thank the Senator and his staff for your continued interest and support in Indian affairs.

Senator DECONCINI. You are welcome.

Ms. CREAMER. Thank you very much.

I would like to briefly state some concerns of the Navajo Nation. The Navajo Nation is concerned about what happens to our children in public, BIA, and contract schools.

We want their education to be competitive with that received by children of the dominant society and at the same time that it contribute to the understanding and preservation of the culture and language of the Navajo people.

There is a crisis in the teaching of our children. In standardized achievement tests our children are achieving at significantly below the national norm in the public schools, Bureau schools, and the contract schools. Those who stay to graduate from high school graudate on the average 3 or 4 years behind their counterparts in the dominant society. An estimated 6,000 Navajo young people are out of school.

There are some heartening exceptions, places where exciting things are happening. Navajo Academy, a college preparatory contract school, has achieved test scores in grammer, reading, and math at above the national average. Rock Point Community School has produced students who achieve above their Navajo counterparts in BIA or public schools. It has done so by teaching in the Navajo language in the primary schools, stressing Navajo throughout the years of school and work closely with the local community. We want to know more about why these schools work. We want to apply that knowledge in Navajo education generally.

We face a crisis in education facilities in both BIA funded and public schools. Every year the BIA seeks funds for renovation of its existing facilities at a level which does not even keep up with the current rate of deterioration, let alone provide for the backlog repair list.

Every year we see misinformation on this subject transmitted to Congress in the administration budget. A similar crisis exists in regard to public school construction financing under Public Law 81-515. Many existing BIA and public schools face serious overcrowding, such as the BIA school at Mariana Lake, NM. It was evaluated by my staff just recently.

In the face of this facilities crisis, the Bureau of Indian Affairs has closed one of our schools withour prior consultation with the local community or the Navajo Tribe. We wonder what other sudden closures we will be subjected to in the next couple of years.

We are unable to attain the start up of new or innovative programs. Efforts to establish a special purpose contract school for students who have dropped out of the regular program have been stalled in the Bureau of Indian Affairs despite the unwaivering support of the Navajo Tribe for the school.

Congress has been reluctant to support any new school starts despite the recognized need for community schools close to where our students live.

The Navajo Tribal Council recently adopted educational policies which set out an educational program to improve the education of our children. The policy stressed better educational planning and competence and teaching or academics, basis. They call for a new commitment to the teaching of Navajo language, culture, and social studies. They require local schools to work closely with Navajo parents and call for joint planning of all people concerned.

We look to the Federal Government to help the Navajo Nation improve this education improvement program. We will have to rely on programs such as title IV and on title V of S. 2496 to help us.

Title IV affects our children in public school where two-thirds of Navajo schoolchildren get their education. The only change we would recommend in this program would be to strengthen the language on parent committee involvement even beyond what was amended into the law last year and to provide for multiyear funds.

We would also recommend that the ceiling on title IV funds for fiscal year 1987 through 1989 be eliminated. We urge Congress to protect parts B and C of title IV.

In title V of S. 2496 we ask you to protect and provide funding to implement the provisions regarding the establishment of school attendance boundaries, the language regarding procedures for school closures and consolidations, the provision on forward funding, and the provision on funding tribal department of education and tribal codes.

Congress must assure that the BIA does a comprehensive and fiscally honest revision of the ISEF formula, Indian school equalization funding, utilizing all the criteria which both the 1978 and the 1984 education amendments authorize in cooperation with Indian tribes and local school boards and communities.

We are concerned that in this coming year the appropriations process may be used to freeze school starts, to lock into place the existing attendance boundaries, to undercut the consultation process regarding school closures and consolidations, to delay forward funding of ISEF and to amend or eliminate title IV. We fear that the additional criteria for ISEF will not be funded, that there may be no meaningful funding for tribal departments of education or school board training. We look to this committee to impact different parts of the congressional process so that budgeted amounts and appropriations implement the policy objectives that Congress has approved for Indian education.

If title V is reopened, we ask you to look at the provisions regarding academic standards. State standards could be treated as an option for BIA funded and operated schools rather than as a floor for BIA standards. The role of tribal standards should be strengthened. There should be an opportunity for contract schools to develop alternative standards on a case-by-case basis.

We are very concerned with the process of consultation in reard to standards, ISEF criteria, accounting procedures, new school starts, school closures and consolidations, construction needs, and education in general. We want to work with BIA as a partner in the planning process. Hidden cost-cutting agendas within proposed reforms or reorganizations compromise a whole consultation process. Thank you.

Senator DECONCINI. Thank you very much. I appreciate that indepth presentation and also your very detailed testimony that I have here before me.

I have no questions. Does staff have any questions?

Thank you very much for being with us.

Your prepared testimony will be entered in the record at this point.

[The prepared statement follows. Testimony resumes on p. .]

PREPARED TESTIMONY OF NAVAJO NATION, PRESENTED BY MARY HELEN CREAMER, EXECUTIVE DIRECTOR, NAVAJO DIVISION OF EDUCATION

INDIAN EDUCATION—STRUCTURED FOR SUCCESS OR FAILURE?

Senator DeConcini, Members of the Senate Select Committee, I want to talk to you today about Indian Education both in public schools and in BIA and contract schools. The Navajo Tribal government is concerned about our children in all three types of schools. We are concerned that their education be competitive with the education received by the children of the dominant society. At the same time, we are concerned that their education contribute to the understanding and preservation of the culture and language of the Navajo people.

In our historical dealings with the government of the United States since the treaty of 1868, we have looked to the federal government to assure the provision of this education to our children. We believe that this provision of education was an integral part of our agreement with the United States. We do not believe that our historical leaders agreed to subject their future generations to the handicap of an education which would leave them unprepared to successfully assume the responsibilities of productive citizens of the United States and of our Navajo Nation. Rather we believe that they understood the United States to be making a solemn promise that it would adequately and appropriately provide for the education of the Navajo People. It is in light of this understanding that we look at the laws which provide for the education of Indian children in public schools, BIA schools and contract schools.

I must tell you that in the last few years, we have had cause for concern about the commitment of the government of the United States to providing our children with an adequate, appropriate education. This concern makes it difficult to approach the provisions in S. 2496 regarding BIA education and Title IV as if they were just questions of the best approach to education or the most effective structure. We feel that Navajo education has been losing ground. We also feel that, especially in the last four years, the commitment to Indian education on the part of the federal government has faltered. When we are asked to comment on possible "restructuring" of Title IV or "consolidation" of BIA education, we wonder what the real agenda is. Is it an effort on the part of the Federal government to improve our children's education or is it an effort to cut costs regardless of the consequences?

I will be submitting additional written testimony subsequent to this hearing in which I will deal more precisely with language in Title V of S. 2496 and with Title IV's reauthorization language. Today, while I will address the substantive provisions of these laws as well, I want to give you an idea of some of the problems we face, which these laws are being asked to address.

First, we face a real crisis in the teaching of our children. I refuse to call it a crisis in learning, because I know as a former teacher and a school administrator that our children can learn. But they are not learning, or not learning at the same level as other children in this country. So, I say that we have a crisis in the teaching of our children. As I stated, I will be submitting additional written testimony, where I will give you a more detailed account of these figures. For now, I can tell you that our children are achieving at significantly below the national norm in the public schools, the BIA schools and the contract schools. Those who stay to graduate from high school graduate on an average three or four years behind their counterparts in the dominant society. An alarming number do not stay to graduate. An estimated 6000 Navajo young people are out of school.

Please look at the composite picture I am describing to you. The Navajo Nation wants to become economically self-sufficient. We want to build our own econony. We want to become our own teachers. But our children either drift away from school or graduate with their skills too inadequate for them to compete in higher education and in the world of work. This has a snowball effect. We believe that our children learn best from their own Navajo teachers. But they do not now learn well enough to go on and become those teachers. We believe that our economy will grow when we have our own businessmen, our own professionals, our own technicians. But our high school graduates are desperately disadvantaged in pursuing technical and professional careers.

There are some heartening exceptions to this picture. Places where education is happening. Navajo Academy, the college preparatory contract school has achieved test scores in reading, grammar and math at above the national average. Rock Point Community School, a community controlled contract school has produced students who achieve above their Navajo counterparts in public or BIA schools. It has done so by teaching in the Navajo language in the primary grades, stressing Navajo throughout the 12 years of school and working in close harmony and understanding with the local community. We want to know more about why these schools work. We want to apply that knowledge to Navajo education generally. But this does not appear to be a time when Federal government is interested in new directions or new starts.

Second, we face a facilities crisis in the Navajo Nation in public as well as BIA-funded schools. Despite individual examples of new construction or renovation, the overall facilities picture is dismall. Every year the BIA seeks funds for revovation of its existing facilities which do not even keep up with the current rate of deterioration, let alone provide for the backlogged repair list. We know these facilities are deteriorating at a more rapid rate than they are being repaired or replaced. Every year we see misinformation on this matter transmitted to Congress. We have attempted to correct the information supplied by the BIA. However, it seems to be the nature of the budget process to support the lower of two estimates, particularly where the extent of the need is as grossly underrepresented as it is in regard to BIA education facilities in the Navajo Nation.

I realize that you are not looking at public school construction in this hearing. But I do want to bring your attention to the fact, that a similar crisis of misinformation exists in regard to public school construction financed under P.L. 81-815. Last year the U.S. Department of Education reported to Congress no need for new construction funds under this law. That same year, Chinle primary school was declared structurally unsafe and Chinle high school was again found totally inadequate to serve the students it houses. Once again, we attempted to correct the misinformation. But no funds were forthcoming for the Chinle Public school district, which has had to close its primary school this year and double up classes in the elementary school.

In the face of this facilities crisis we have seen the Bureau of Indian Affairs close one of our schools without prior consultation with the local community or the Navajo Tribe. No planning was undertaken for the children involved until the last minute. As a consequence, they have been dispersed to several different schools, which were not prepared for them. There has been an increase in truancy and children running away from school. We have had reports of children not being accepted in the schools to which they were transferred. In the meantime, we have received independent engineering reports which squarely contradict the official reason given by the Bureau for the closure, safety. Our consultant, engineers believe that the facilities are safe, can be renovated, and did not need to be closed. We wonder what other sudden closures we will be subjected to in the next couple of years.

We are also unable to obtain the start of new or innovative school programs. We have been trying for three years to obtain approval from the BIA for a special purpose school utilizing the old Continental Divide training facility. The school would concentrate on students who have dropped out of reguler programs. As I told you, we have an estimated 6,000 such students. We have gotten nowhere. We have been resisted at every turn despite the unwavering support of the Navajo Tribe for this school. We hear that Congress is reluctant to support any new school starts. If so, this undercuts any hopes we might have of encouraging community day schools close to where our students live.

We are learning some lessons which we would like to apply to Navajo education. But the federal mood for the past four years has made it very difficult to change the direction of our children's education. The Navajo Tribal Council recently completed a special session devoted entirely to education. During that session, the Tribal Council adopted educational policies reflecting the educational program which the Navajo Nation believes can improve the education of our children. I am including a copy of these policies with my testimony today. Please read them.

If you study these policies, you will see some common themes. The policies stress better educational planning and competence in the teaching of the academic basics. They call for a new commitment to the teaching of Navajo language, culture and social studies. They stress a preference for the employment of qualified Navajo personnel and for qualified professional personnel with an understanding of the Navajo way of life. They call for close involvement with Navajo parents on the part of schools. They call for better roads so that more children may attend school on a day basis and for decent adequate facilities to house education programs. They call for joint planning between the local community, the Navajo Tribe and the BIA or public school systems in regard to decisions about school facilities, including decisions about expansions, consolidations, closures, and new school starts. They place a new emphasis on school attendance and prevention of substance abuse.

The Navajo Nation developed these policies by talking to everyone involved in the education of Navajo young people. The planning group that drafted the policies conducted public hearings before the initial draft was written. They conducted more than 30 workshops with local school board members, educators and administrators from public, BIA, contract and private mission schools, teachers, chapter representatives, representatives of the state departments of education. This was not a typical "consultation process" as we have experienced it at the federal level. The draft was revised again and again to reflect the wisdom of the people who took the time to work with us. What the policies reflect is, in the broadest form, a program for the improvement of Navajo education.

This may seem like a long way of getting back to the issues of Title V of S. 2496 and the reauthorization of Title IV. However, I do not see how these laws can be discussed if you do not understand some of the problems Navajo education is facing and the prescription of the Navajo Nation for remedying those problems.

First off, let me say that we are hesitant to suggest any reopening of either Title V or of Title IV. There were some things in Title V of S. 2496 that we questioned. However, in the present climate of Congress and the federal administration, we would learn to live with them rather than risk the loss of the language in that bill regarding forward funding, school boundaries, school closures and funding for tribal departments of education and tribal codes. These laws were reviewed just a year ago. We wonder what further tinkering with them will produce. We would ask you to assure us that if these laws cannot be made better in the current Congressional situation, they will at least not be made worse for us.

I will first deal with Title IV because this law affects our children in public schools, where ⅔ of Navajo elementary and secondary school children get their education. We have never understood the hostility of the current administration to this law. We consider it one of the most effective supplemental programs ever developed for our children. The money goes directly to local schools. It comes in advance of the school year (except when Administration tinkering results in Washington's holding the funds back). Local parent committees sit down with school administrators to decide how the funds will be spent. The program is focussed on the unique needs of our children. Why is there so much question about this program? If we were to recommend any changes in this program it would be only to strengthen the language on parent committee involvement even beyond what was amended into the law last year and to provide for multi-year funding. This would allow multi-year program planning, which we feel is important to make the best use of academic monies.

We would also recommend that the ceiling on funding for FY 1987, and 89 be eliminated so that these programs can keep up with the increased cost of education. Most importantly Congress should eliminate the uncertainly about the continuation of this program through 1989. The improvements needed in our children's education cannot be accomplished in one or two years. They require a consistent, concerted effort over time. Program uncertainty is costly and wasteful. It can result in short-range planning where long-range planning is what is needed.

We would also urge you to protect Parts B and C of Title IV. The figures I gave you on achievement and dropouts show that we need to look to new solutions for the problem of Indian education. New solutions require innovative programs and research. We need to find out what positive changes we can make in our children's education. We must not stop the effort to develop new programs and study the current educational situation when we have such serious problems and the promise of new solutions.

In regard to Title V of S. 2496, we would ask you to protect and to provide funding to implement the provisions regarding establishment of school attendance boundaries, the provisions on closures and consolidations, the provisions on forward funding, and the provision on funding tribal departments of education and tribal educational codes. We would ask you to assure that the Bureau of Indian Affairs does a comprehensive and fiscally honest revision of the ISEF formula, utilizing all the criteria which P.L. 95–561 and S. 2496 authorize to be considered in the formula. We ask you to assist us in assuring that the Bureau works with Indian tribes and with local school boards and communities in revising this formula. We ask you to assure that maintenance of educational facilities does come under the supervision of the building supervisor and to assure the return of education facilities improvement and repair to education jurisdiction.

We are very concerned by the action of Congress in the last session of attaching a rider to the appropriations bill which delayed the implementation of Title V of S. 2496 for one year. We are concerned that in this coming year the appropriations process may be used to further freeze school starts, to lock into place the existing school attendance boundaries, to undercut the consultation process regarding school closures and consolidations, to reverse the Congressional directive of forward funding for ISEF, and to amend or eliminate Title IV or parts of Title IV. We are concerned that the additional criteria for ISEF will not be funded, that there will be no meaningful funding for tribal departments of education or for school board training.

I am sure you are aware that the Congressional process has got very complex for us out in the countryside. We fight a good fight before a subject-matter committee and persuade Congress to pass appropriate legislation. Then we must fight the same battle all over again in the appropriations process. Sometimes even if we prevail there, we are defeated by the budget-setting process. What we look to your committee to do is to impact the different parts of this process so that budgeted amounts and appropriations implement the policy objectives that Congress has approved for Indian education. This is greatest service you can do for Indian education.

If Title V of S. 2496 is reopened, we hope that you will safeguard the provisions I have referred to above. I am including with this testimony resolutions passed by the Navajo Tribal Council in its special session regarding school closures and school attendance boundaries which I hope you will share with your colleagues in the Senate.

One area where we believe some useful change might be made, if the law is to be reopened is in the area of academic standards. We would like to see more flexibility and more careful drafting in regard to standards. We would like to see state standards treated as an option for BIA funded and operated schools rather than as a "floor" for BIA standards. We have reviewed proposed BIA standards in light of the standards of Arizona and New Mexico. In many cases, the state standards are not a "floor". They represent a different kind of approach to standards development. We would like to see a choice of models rather than an ill-fitting combination of the two.

We would like to see the role of Tribal standards strengthened. The Navajo Tribe is very interested in developing educational standards. We hope that this effort will be supported by the Bureau of Indian Affairs and that the law will state a preference for tribally developed standards.

We feel that the language regarding standards for contract schools is confusing. There is a 2-year grace period for new contract schools. What about existing contract schools? There is language in 95-561 which has not been repealed by S. 2496 which speaks about the development of alternative standards for contract schools. Is this still a possibility in the light of Section 502(c)(2) of Title V of S. 2496? We hope that it is, because we believe that there should be an opportunity to develop alternative standards for these schools on a case by case basis. Rock Point Community School, the school which I described as highly successful, does not fit the model of typical accreditation criteria. Yet it outshines schools that do meet these criteria. We must not squeeze out the very innovations that may make the greatest difference for our children.

We are very concerned with the process of consultation, in regard to standards, ISEF criteria, accounting procedures, new school starts, school closures and consolidations, construction needs, education in general. We are trying to work with our professional educators, with our grass roots people and with our young people to find out what works for educating Navajos. We do not want to be at odds with the Bureau of Indian Affairs. We want to work with the Bureau. But for this to happen, we must be treated as a partner in the planning process. We believe that this is what Congress has called for in P.L. 96-561 and in S. 2496. We will need your active support and oversight to assure that it happens. Extreme belt-tightening at the federal level seems to breed secrecy. Hidden cost-cutting agendas behind alleged reforms and reorganization compromise the whole process of consultation.

We are at a critical time. Navajo education faces a serious crisis. But we are beginning to build a momentum for changes to improve that education. We are building a momentum for academic excellence, for harmony with Navajo culture, for active bilingualism, for vocational preparation. We need a partnership with Washington. Your committee can help us to build that partnership.

Thank you.

Appendix A

Title 10, Navajo Tribal Code, §§ 101 - 127

EDUCATION

Chapter 1. Policy and Planning

Subchapter 2. Navajo Education Policies

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§ 101. Short Title

This subchapter shall be cited as the "Navajo Education Policies".

§ 102. Mission Statement

1. The human resource of the Navajo Nation is its most valuable resource. The Navajo Tribe, as a sovereign nation, has a responsibility to its people to oversee their education in whatever schools or school systems they are being educated, to assure that their education provides excellence in the academic program and high, realistic expectations for all students. An appropriate education for Navajo people is one that fosters:

A. the formulation of age, grade and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;

B. competence in English language skills and knowledge of American culture;

C. competence in Navajo language skills and knowledge of Navajo culture;

D. the development of Navajo and United States citizenship;

E. self-discipline and a positive self-concept;

F. preparation for lifetime responsibilities in the areas of employment, family life, recreation and use of leisure;

G. an attitude toward education which encourages lifetime learning.

§ 103. Definitions

Subject to the additional definitions (if any) contained in the subsequent sections of this subchapter, and unless the context otherwise requires, in this subchapter, the following definitions shall apply.

1. "Navajo Nation" includes the Navajo Reservation and the Navajo people as a whole, considered as a distinct cultural, ethnic, geographical and political entity.

2. "Navajo Tribe" means the government of the Navajo Nation, or signifies that some power or attribute of the Tribe as a government is intended.

3. "Culture" means a set of shared patterns of behavior developed by a group of people in response to the requirements of survival. These sets include: established patterns of relationships (interpersonal and kinship); values (behavior, material possessions, individual characteristics, attitudes); language; technology, acquisition and use of knowledge; planning for the future; governing structure; education; economics; and spiritual relationships.

4. "Congruent Curriculum" means a curriculum which is planned, ongoing and systematic; in which goals and objectives are clearly articulated; which brings about a match among (1) what the teacher teaches, (2) what should be taught, and (3) what students actually learn; and which reflects excellence.

5. A "School" is a place or institution for teaching and learning.

6. "Local Schools" are all schools serving kindergarten - 12th grade, or any part of that grade span, located within the Navajo Nation or serving the Navajo Nation. The term shall include bordertown residential facilities operated to facilitate attendance at public schools when the subject matter of a policy statement is applicable to residential facilities and the governing boards of residential facilities. The meaning of local school in regard to tribal school board elections shall be determined by the Navajo tribal laws regarding school board elections, rather than by this section.

7. "Schools within the Navajo Nation" or "Schools located within the Navajo Nation" are those local schools located within the exterior boundaries of the Navajo Nation in areas subject to Tribal jurisdiction; those BIA residential facilities located near the immediate borders of the Navajo Nation and serving primarily Navajo student populations; and those schools operated on contract by authorization of the Navajo Tribe.

8. "Schools serving the Navajo Nation" are all schools within the Navajo Nation and all schools established within the Navajo "Indian Country" for the education of Navajo students or receiving significant funding for the education of Navajo students such as public schools receiving Impact Aid funds.

9. A "Compelling Governmental Purpose" is a purpose which would withstand strict scrutiny in regard to

the nature of the governmental interest being advanced, the means chosen to accomplish it, and the impact on the protected privacy interest of parents in choosing an appropriate education for their children.

10. "School Governing Boards" or "Local School Boards" are the governing boards with responsibility for establishing policy and overseeing the operation of a local school.

11. "Cognitive skills" are skills involved in the process of knowing, in the broadest sense, including perception, memory, judgement, analysis, conception, deduction, induction and thinking.

12. "Vocational Education" is a complex of instruction designed to prepare the student to enter into an adult occupation with appropriate academic, occupational and life skills. Vocational education programs should include vocational exploration, vocational core skill development and entry level training.

13. "Career Education" consists of efforts aimed at focusing education and supportive actions of the community in ways that will help individuals acquire and utilize the knowledge, skills and attitudes necessary for each to make work a meaningful, productive and satisfying part of his or her way of living. Career education is not taught as a separate school subject. Rather, it is integrated into all subject areas at all levels, using activities that encourage students to acquire basic skills and make career decisions based upon what they learn about themselves and the world of work.

14. "Early Childhood Programs" are those developmental and educational programs operated for children at the pre-school level. The term can include kindergarten programs that are operated independently of and apart from any local school.

15. "Navajo Preference" means that in the recruitment, employment, retention and promotion of personnel, preference is given to an applicant who is an enrolled member of the Navajo Tribe and who is equally qualified as one or more non-Navajos for a given position. Navajo preference may mean Indian preference where such an interpretation is mandated by applicable state, federal or contract requirements.

16. "Indian Preference" means that preference is given to a Native American applicant who is equally qualified as one or more non-Indian applicants for a given position.

§ 104. Responsibility and Authority of the Navajo Tribe

1. The Navajo Tribe has an inherent right to exercise its responsibility to the Navajo people for their education by prescribing and implementing educational policies applicable to all schools within the Navajo Nation and all educational programs receiving significant funding for the education of Navajo youth or adults. At the same time, the Navajo Tribe recognizes the legitimate authority of the actual education provider, whether state, federal, community controlled or private. The Navajo Tribe commits itself whenever possible to work cooperatively with all education providers serving Navajo youth or adults or with responsibilities for serving Navajo students to assure the achievement of the educational goals of the Navajo Nation established through these policies and in other applicable Navajo Tribal laws.

2. The laws and policies of the Navajo Nation are applicable to the maximum extent of the jurisdiction of the Navajo Nation in the operation of all local schools.

3. The Navajo Nation specifically claims for its people and relies upon the responsibility of the government of the United States to provide for the education of the Navajo people, based upon the Treaty of 1868 and the trust responsibility of the federal government toward Indian tribes. The Navajo people also claim and rely upon their rights as citizens of the states within which they reside to a non-discriminatory public education. In exercising its responsibility and authority for the education of the Navajo people, the Navajo Tribe does not sanction or bring about any abrogation of the rights of the Navajo Nation or the Navajo people based upon treaty, trust or citizenship, nor does it diminish the obligation of the federal government or of any state or local political subdivision of a state.

§ 105. Education Agency of Navajo Tribe

1. The Navajo Division of Education is the administrative agency within the Navajo Tribal Government with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. The Division as the Education Agency of the Navajo Nation exercises, to the extent permitted by law and agreement, functions comparable to the departments of education of the several states in regard to the schools within the Navajo Nation and other schools and educational programs serving significant numbers of Navajo youth and adults. In exercising its responsibilities the Division shall seek to work cooperatively with local school governing boards.

2. A. The Division of Education is under the immediate direction of an Executive Director, subject to the overall direction of the Chairman of the Navajo Tribal Council. In carrying out its responsibilities the Division, through the Executive Director, is authorized and directed to:

(1) establish cooperative arrangements with other divisions and programs within the Navajo Tribal Government and with education organizations and entities;

(2) negotiate cooperative arrangements and intergovernmental agreements with local, state and federal agencies and governmental bodies subject, where required, to the approval of the appropriate Navajo tribal governing authority;

(3) inquire into the educational situation of Navajo students in any school or educational program located within the Navajo Nation or receiving program funds for the education of Navajo youth or adults;

(4) determine the impact of educational programs on Navajo students by inquiring into areas of concern such as achievement data, test results, budgets, language proficiency, special educational programs, supplemental programs, staffing, social and economic variables, curriculum, health and safety, adequacy of facilities, and other areas of inquiry relevant to the educational situation of Navajo students;

(5) comply with Federal and, where appropriate, state requirements regarding confidentiality of records;

(6) report the results of its inquiries to the Education Committee of the Navajo Tribal Council and to the school boards, communities and other entities serving the Navajo Nation affected by the subject matter of these inquiries;

(7) make recommendations in its reports for the improvement of Navajo education; and

(8) report at least annually to the Navajo Tribal Council on the state of Navajo education.

The authority to make inquiries granted to the Division in this subsection extends to all affected school sites and all appropriate records.

B. The Navajo Division of Education shall be available to work with schools, school districts, school governing boards, local communities and other appropriate entities to develop plans for the implementation of Navajo educational policies, to coordinate utilization of available resources and to assist in the development of new resources. The Division shall assure that its staff have and receive appropriate professional training in order to keep informed of current educational methodologies and techniques.

3. The Education Committee of the Navajo Tribal Council has oversight responsibility for the Navajo Division of Education and for the implementation of education legislation. The Committee exercises such powers and responsibilities over Navajo education as are prescribed by its plan of operation and in other tribal laws. The Education Committee exercises oversight responsibility regarding the recruitment and operation of post-secondary education programs within the Navajo Nation.

4. The Navajo Division of Education is subject to and carries out laws adopted by the Navajo Tribal Council.

§ 106. School Boards -- Local Control of Schools

1. The Navajo Nation encourages and supports local control of Navajo education. Administration of a local school shall be under the guidance and direction of the local governing board.

2. All local school boards operating schools within the Navajo Nation are subject to its educational laws to the full extent of the jurisdiction of the Navajo Nation. Local school boards are responsible for assuring the implementation of the Navajo educational policies at the local level. In addition, local school boards are responsible for establishing local educational policies and priorities.

3. In administering the schools under their charge local school boards shall give timely notice of their meetings and conduct their meetings at times and places convenient to the public, especially parents, and shall carry out their deliberations and decision-making in open meeting, except in such cases as disciplinary matters, individual personnel matters, discussion of litigation, where the need for privacy clearly outweighs the public's right to know.

4. School boards shall develop written policies regarding school governance, personnel matters, staff conduct, student conduct, parental involvement, residential policies, graduation requirements, academic policies and related topics, and shall assure that these policies are communicated to administration, staff, students and parents.

School board policies shall be implemented in a consistent and impartial manner.

§ 107. Parental Involvement

1. Local schools shall encourage participation by parents of students in their school programs. Parents should be involved in planning, developing and evaluating educational programs, developing curriculum, and school activities. Appropriate procedures shall be developed by each local school to facilitate parental involvement and to assist parents in inquiring and learning about the education their children are receiving.

2. Educational aspirations and cultural values of Navajo parents should be respected in the development of policies and programs within each school.

3. Parental involvement in education includes the right of parents to choose the type of school and educational program in which their minor children shall be educated. Choices of day or residential attendance and of federal, state, community controlled or private school are appropriate parental options which should be limited only by the most compelling governmental purposes. Parental action or inaction in regard to the education of children which endangers or disregards the welfare of those children is not protected by this section. This sub-section shall not justify any parent in disregarding laws concerning compulsory attendance, or school transfer.

4. Parents have a responsibility to support the educational efforts of the local schools, to assure the regular attendance of their children in school, and to exercise supervision and guidance over their children.

§ 108. Navajo Preference and Indian Preference

1. The ultimate goal of the Navajo Nation is self-determination. In order to assure the survival and growth of the Navajo Nation as a people of distinct language and culture and with a domestic economic base, the Navajo Nation requires Navajo preference in employment of school and educational personnel in all schools within the Navajo Nation. In addition, whenever application of the Navajo preference policy does not result in the selection of a Navajo applicant or candidate, a policy of Indian preference shall be applied to the remaining applicants or candidates. Local school governing boards and education administrators responsible for hiring shall comply with the requirements of this policy in regard to the recruitment, employment, promotion and retention of all personnel.

2. All schools and school systems operating within the Navajo Nation shall seek the professional services of competent Navajo educators, counselors, administrators and support personnel to adequately serve the linguistically and culturally unique children of the Navajo People. In addition, all affected schools and school districts shall give preference to Navajo personnel in providing professional training opportunities, subject to the needs of the schools to obtain specialized training opportunities for staff serving particular functions. In seeking educational and support personnel, schools and school districts shall include within the position description, as a preferred qualification, a knowledge and familiarity with the Navajo language, culture and people.

3. The local governing board of a school or school district may waive the requirements of this section by a formal vote of the board. Such waiver may apply only to individual employment, retention or promotion decisions, as determined by the board on a case-by-case basis. In each case where a waiver of Navajo preference-based hiring, retention or promotion occurs, the local governing board shall make a written record of the occurrence for inclusion in the official minutes of the board.

§ 109. Education Standards

1. The Navajo Tribe shall identify the need for appropriate educational standards in various subject areas and shall develop educational standards to assure the provision of a high quality education for Navajo students in all schools serving the Navajo Nation. These standards shall in no way limit the freedom of local school systems to exceed these requirements.

2. The Navajo Division of Education shall coordinate with other governmental entities and education providers in designing and implementing educational standards appropriate to the various schools and school systems. The Division shall consider the requirements of applicable state and federal laws and the concerns of education managers, parents, community members, and teachers in the development of educational standards. Navajo educational standards shall avoid actual conflict with the requirements of state, federal or private accrediting entities with jurisdiction over the schools unless those external requirements conflict with an identified educational or governmental requirement of the Navajo Nation, or unless such conflict is permitted by the external law.

3. In implementing this policy, the Navajo Division of Education shall act with the approval of the Education Committee of the Navajo Tribal Council to

establish a procedure to adopt proposed standards and/or amend existing standards and present subsequent proposed resolutions to the Navajo Tribal Council.

§ 110. Curriculum

1. Each school serving the Navajo Nation shall have a written, congruent curriculum which contains clearly articulated instructional goals and objectives. The curriculum of each school shall be based on the needs of the students served. The culture, values, and individual interests of the Navajo students shall be recognized and integrated into all curricula. The curriculum should provide all students with opportunities to broaden their interests and career objectives and promote personal and intellectual growth appropriate to their individual differences.

2. The instructional program shall reflect the special needs of these students and yet be flexible enough to allow any modifications necessary to accommodate the need of students to acquire full knowledge of basic skills, including but not limited to science, computer science, mathematics, social studies, reading, writing, language skills and cognitive skills. Special programs shall be available for the gifted and handicapped students and for students requiring remedial instruction.

3. The use of curriculum committees is encouraged at all levels of schools to review the validity and relevance of curricula. Curriculum content shall be reviewed on a periodic basis. The review should utilize student assessments, standardized test scores, student progress reports, and school evaluation reports. Each school shall involve the staff, parents and community in program planning, provide inservice training in curriculum development and implement a curriculum improvement approach. Any new curriculum or educational program shall be structured to meet the needs of the specific school and shall be adopted by the governing board of the school.

4. Career education shall be integrated into the basic curriculum from the pre-school level to establish a working relationship between what is taught in the classroom and what is needed on the job and in professional occupations. At the secondary, vocational and post-secondary levels, the curriculum should incorporate into the basic program career exploration, career guidance, awareness of vocational and educational opportunities and occupational skills.

§ 111. Education in Navajo Language

The Navajo language is an essential element of the life, culture and identity of the Navajo people. The Navajo Nation recognizes the importance of preserving and perpetuating that language to the survival of the Nation. Instruction in the Navajo language shall be made available for all grade levels in all schools serving the Navajo Nation. Navajo language instruction shall include to the greatest extent practicable: thinking, speaking, comprehension, reading and writing skills and study of the formal grammar of the language.

§ 112. Education in Navajo Culture and Social Studies

The survival of the Navajo Nation as a unique group of people growing and developing socially, educationally, economically and politically within the larger American Nation requires that the Navajo People and those who reside with the Navajo People retain and/or develop an understanding, knowledge and respect for Navajo culture, history, civics and social studies. Courses or course content which develops knowledge, understanding and respect for Navajo culture, history, civics and social studies shall be included in the curriculum of every school serving the Navajo Nation. The local school governing board, in consultation with parents, students and the local community, shall determine the appropriate course content for the Navajo culture component of the curriculum.

§ 113. Professional Training for Educators

1. Recruitment:

It is the responsibility of the local schools and school districts serving the Navajo Nation to employ professional Navajo educators, to recruit those who are most qualified and competent to work with the Navajo student population, and to create incentives to improve staff performance. Local school boards and administrators shall take leadership to provide professional training opportunities for their personnel and to encourage and provide both opportunities and guidance for those individuals who desire to advance themselves in the education field, obtain or expand their professional certification, or obtain training in their specialized areas. Staff development shall include both certified and non-certified personnel. Educators of Navajo children have the responsibility to upgrade their teaching and administrative skills to maintain relevant, coherent instructional techniques at all levels of formal education.

2. All schools and school districts serving the Navajo Nation shall develop appropriate Navajo culture awareness and sensitivity programs as an integral part of their inservice training programs for all personnel. The Navajo Nation through its Education Committee shall establish general guidelines for the implementation of these programs.

§ 114. Special Education

1. Local schools and educational programs serving the Navajo Nation shall assure that handicapped and gifted Navajo students receive educational and support services and resources that are adequate to meet their special educational needs and that are both appropriate and nondiscriminatory in terms of Navajo language, learning styles and culture. The Navajo Tribe supports the essential policies made explicit within the Education for All Handicapped Act concerning the provision of a free, appropriate public education in the least restrictive environment and the procedural rights and safeguards afforded handicapped students and their parents. No school or educational program shall discriminate against any student or applicant for services on the basis of handicap.

2. The Navajo Tribe shall coordinate with other agencies to provide personnel preparation services for special education and related service needs to increase the availability of qualified Navajo special education personnel.

§ 115. Education of Navajo Gifted, Talented and Highly Motivated Students

All local schools serving the Navajo Nation shall identify the strengths of gifted, talented and highly motivated students and shall provide appropriate educational planning which will challenge and nurture each student's level of development to its highest potential. Students shall be provided an opportunity to work at their appropriate developmental level of ability rather than being limited to a normative level.

§ 116. School Counseling Services

All schools serving the Navajo Nation shall maintain competent, appropriately staffed counseling programs. Counseling staff shall have an awareness of Navajo culture and tradition, particularly as these relate to the individual needs and life circumstances of the students. The counseling program shall be concerned with the physical, cultural, intellectual, vocational and emotional growth of each student.

§ 117. Student Code

Under the guidance of the local school boards, parent committees and parents, a written code of student conduct, rights and responsibilities shall be developed and maintained by each school serving the Navajo Nation. School disciplinary procedures should be corrective, based upon a disciplinary action plan incorporated into the code of student conduct. The disciplinary action plan should provide for notification and involvement of parents from the earliest stages of the disciplinary process. Each school governing board shall determine the appropriateness of corporal punishment in its disciplinary programs.

§ 118. School Attendance

1. Every person who has a Navajo child or Navajo children under his or her care between the ages of five and eighteen years shall assure the attendance of the child or children in school. For purposes of this section, a child shall be deemed to be 5 years old only if he or she has a fifth birthday prior to September first of the school year to which this policy is applied. This policy applies to attendance by children who have not yet graduated from high school. Local school governing boards shall develop programs to improve regular school attendance in compliance with this policy.

2. Any adult residing in the Navajo Nation who violates the provisions of this section shall be subject to the penalties prescribed in 17 NTC §§ 222, and 223 for petty misdemeanors. Any Navajo minor residing in the Navajo Nation who violates the provisions of this section shall be subject to the jurisdiction of the Juvenile Courts of the Navajo Nation.

3. The Education Committee of the Navajo Tribal Council shall develop regulations and procedures to enforce the compulsory attendance laws. The Navajo Division of Education shall work with appropriate agencies within the Navajo Tribal Government, school boards, schools, school districts, chapters, parent committees and state and federal governmental entities to develop appropriate and innovative measures and educational programs to decrease the dropout rate, reduce absenteeism and to meet the educational needs of students who have been unable to function effectively in the regular school setting.

4. The Navajo Tribe discourages transfers from one school to another, particularly transfers which occur during the school year and jeopardize the student's academic progress. The Navajo Division of Education is directed to work cooperatively with all schools and school systems

serving Navajo students to develop procedures to minimize excessive and inappropriate student movement between schools.

§ 119. Substance and Alcohol Abuse

Navajo Tribal law prohibits the possession or consumption of drugs and alcoholic beverages on the Reservation. 17 NTC §§ 390-395, §§ 410-412. All local schools shall discourage the utilization and consumption of drugs and alcoholic beverages through relevant academic or preventive guidance programs for all Navajo youth. Schools along with other community resources shall encourage positive self-concept, provide factual information and encourage personal responsibility. Schools shall work with other community service providers to seek and develop programs and resources to assist students addicted to the use of alcohol and other mind-altering substances so that they may fully participate in the school program.

§ 120. Bus Routes and Transportation

Adequate bus transportation is of vital importance to the Navajo Nation to improve school attendance and increase the day attendance opportunities for Navajo students. Adequate bus transportation systems for students shall be established to ensure safe transport of Navajo students to and from school. Local school board policy governing the transportation of pupils shall meet or exceed all applicable state and federal safety regulations. The Navajo Tribe, through the Education Committee and the Tribal Roads and Transportation Committee, shall work in a joint and cooperative effort with the states in which the Navajo Nation is located and the Bureau of Indian Affairs to adopt adequate school bus routes, to avoid excessively long bus travel and to develop a comprehensive school transportation plan. The Tribal government may enter into agreements with the federal government, states, counties, local schools and school districts within and bordering the reservation to implement school transportation plans. In apportioning funds for road construction and maintenance, the tribal, federal, state and local (county) government shall consider school transportation needs for day attendance as a priority consideration. This section shall not justify the closure of any school nor the denial of day attendance opportunities to students within a school's day attendance area.

§ 121. School Facilities and Operations

1. All educational programs located within the Navajo Nation or serving significant numbers of Navajo

students shall be housed in facilities that are accessible, appropriate to the purposes for which they are used, and maintained in good repair. The Bureau of Indian Affairs is responsible either directly or through contract to maintain in good repair all educational facilities owned or operated by the Bureau or operated with funding from the Bureau. This subsection shall not be interpreted to justify the closure of any school facility in a manner contrary to the provisions of subsection "2" of this policy or in violation of any tribal, state or federal law regarding school closures.

2. The Navajo Division of Education shall establish joint planning efforts with schools and school systems in the Navajo Nation and with those educational institutions receiving federal funding to educate Navajo students to accomplish the following provisions:

A. When planning construction, expansion, consolidation, or closure of any school or school residential unit serving the Navajo Nation, the decision-making entity shall, from the initial stages, consult with the affected school boards and school board organizations, the Education Committee of the Navajo Tribal Council, the Navajo Division of Education, affected chapters and local communities and with those students, parents, and staff who use the facility; and shall incorporate the desires of these parties into their plans to the greatest extent feasible.

B. The construction, expansion, and renovation of any school facility shall conform to all applicable state and federal health and safety regulations, to established safety and building codes and to laws regarding environmental assessments and environmental impact.

C. In planning for the construction of any new educational facility, consideration shall be given to the development of an appropriate physical environment including but not limited to considerations of location, size, alternate use, and the extent to which the proposed facility will benefit unserved and inappropriately served populations, including students required to travel daily on the bus for an excessive amount of time.

§ 122. Vocational Education and Career Education

1. The Navajo people have a right to education in basic, technical, employability, managerial, and entrepreneurial skills. The Navajo Tribe shall advocate with federal, state and private sources for adequate funding of vocational and career education programs. The Navajo Tribe shall integrate educational planning with economic planning

and develop agreements and joint efforts for the sharing of vocational educational costs, facilities and programs. In order to increase the vocational opportunities available to Navajo youth and adults and to make most efficient use of existing vocational educational resources, the Education Committee and the Labor and Manpower Committee of the Navajo Tribal Council shall coordinate with other entities the development of comprehensive vocational educational planning.

2. Career education shall be integrated into the basic curriculum of all schools in all appropriate content areas and at all grade levels.

3. Vocational education programs shall be realistically designed to serve the needs of individuals of secondary school age or older, including those who have academic, socio-economic, cultural, physical, attitudinal or other handicaps, and who need or can profit from the instruction. Vocational education programs should include instruction in basic skills, communication, social interaction, occupationally specific skills and responsibility skills that are required for employment. Vocational education program offerings should be determined on the basis of identified needs, employment statistics, current occupational surveys, and local, state and national labor market demands including the demands of new and emerging occupations. They should reflect the skills needed to develop the Navajo economy.

§ 123. Vocational Rehabilitation and Opportunities for the Handicapped

1. All Navajo people are entitled to participate fully in the economic, social, cultural and political life of the Navajo Nation without regard to any handicapping condition. All public and private entities within the Navajo Nation shall cooperate with the Navajo Nation Council on the Handicapped in implementing this policy. Every public and private entity within the Navajo Nation shall:

A. recognize handicapped Navajo people as potentially productive members of society;

B. encourage the handicapped Navajo population to reach optimum levels of economic independence and political, societal and cultural participation;

C. make reasonable accommodation to the special needs of handicapped persons, including the need for site accessibility, in regard to employment, housing, public accommodations, social services, transportation, recreation, educational and training opportunities, and community services and assure the availability of these services on an equitable, non-discriminatory basis.

2. The Navajo Nation Council on the Handicapped is responsible for assuring that all Navajo people have an opportunity to realize their potential to the extent of their physical and mental capabilities. The Council has such powers and responsibilities as are prescribed in its plan of operation and in other applicable Navajo tribal law. The Council shall work with other appropriate tribal governmental entities and with all service providers, public and private, to:

A. establish coordination and joint planning for delivery of services to handicapped Navajos from birth through adulthood as close to home as possible;

B. establish a continuum of appropriate services for all degrees of disability and all stages of the life cycle;

C. eliminate service gaps and avoid duplication of services; and

D. maximize available resources.

§ 124. Post-Secondary Education

1. The future development of the Navajo Nation depends upon the education and skills of the Navajo people. In exercising its responsibilities in regard to financial assistance and post-secondary program oversight, the Navajo Tribe shall give attention to the social, educational, economic and other developmental needs of the Navajo Nation, as well as to the welfare and personal needs of the individual student.

2. In providing financial assistance to students in post-secondary programs, the Navajo Tribal Higher Education Department shall develop policies and procedures which:

A. provide career guidance to scholarship applicants;

B. foster academic excellence and encourage scholarship recipients to pursue academically rigorous fields of study;

C. encourage Navajo students to remain within their post-secondary educational programs until the completion of their degree and to return and provide service to the Navajo Nation;

D. encourage applicants to choose post-secondary programs which are appropriate to their career needs and to their academic preparation;

E. make appropriate provision for the financial assistance needs of those students pursuing post-secondary vocational programs and for otherwise capable students who require remedial instruction;

F. provide academic scholarships for students with high academic achievement;

G. enable students to prepare, retrain and upgrade their skills for new and changing professions and occupations on a full-time or part-time basis;

H. encourage pursuit of graduate level degrees, particularly in fields which support the developmental goals of the Navajo Nation; and

I. provide a range of financial assistance resources including academic scholarships, grants based on need, student loans and privately endowed grants and scholarships.

3. Navajo Tribal financial aid funds should be utilized in combination with state, federal and private resources such as Pell grants, loans, college work study, tuition waivers, endowments, special grants and scholarship and innovative programs so that adequate financial assistance may be made to as many qualified post-secondary students as possible.

4. An Office of Academic Scholarship shall be established within the Higher Education Department of the Navajo Division of Education. The office shall:

A. establish criteria for and oversee the provision of academic scholarships to students of high academic achievement, without regard to assessed financial need;

B. establish criteria for and oversee the provision of graduate fellowships; and

C. provide for the development and administration of endowed programs of academic scholarships, fellowships and grants.

5. Post-secondary educational programs which recruit and/or serve students within the Navajo Nation shall be realistically designed to serve the educational needs of Navajo students and shall comply with the laws of the Navajo Nation.

§ 125. Post-Secondary Education -- Navajo Community College

1. Navajo Community College is the officially chartered institution of post-secondary education for the Navajo Nation. It was established by the Navajo Tribal Council pursuant to resolutions CN 95-68 and CJN 60-70. The College is established to provide post-secondary academic, vocational, technical and adult education programs; special and handicapped education programs; and community services in accordance with its plan of operation and other applicable Tribal laws. The College provides instruction leading to certification in Navajo culture, language and other related fields and serves as a training center for educators and other professionals.

2. The College is authorized to develop plans and procedures with other post-secondary institutions for the coordination of post-secondary education programs and courses offered within the Navajo Nation, including upper division and graduate academic and vocational programs, under the oversight and guidance of the Education Committee of the Navajo Tribal Council.

3. The Navajo Tribe shall assist and support Navajo Community College in the pursuit of its unique and special educational mission.

§ 126. Adult Education

The Navajo adult population has a right to educational programs that meet their educational needs and aspirations, and that are accessible to them in terms of proximity to home and work, time of day and expense. The Navajo Tribe recognizes the importance of adult education and encourages public and private entities to develop and offer programs of adult education including, but not limited to adult basic education, pre-GED and GED education, basic vocational education, community education, consumer education, health education, and related adult programs. The Navajo Tribe shall include adult education as a permanent component within its educational planning. All administrative entities within the Navajo Tribal Government with responsibilities for education, training, community health, and related areas shall coordinate to assure that adult education opportunities are afforded to the Navajo population consistent with Navajo tribal laws and policies, and shall seek ways of improving the number, quality and availability of adult educational offerings.

§ 127. Early Childhood Programs

Parents and persons having custody of Navajo children of pre-school age are encouraged to enroll them in programs of early childhood education. Early childhood programs should employ a comprehensive developmental approach to help children achieve the social competence and pre-academic skills which are associated with positive school performance and healthy psycho-social adjustment. Early childhood programs shall work closely with parents, parent policy boards and local communities in developing and implementing their program plans. Administrative entities within the Navajo Tribal Government with responsibility for education, child development, licensed day care, and related areas shall coordinate to assure that early childhood programs serving Navajo children are competently and compassionately administered in accordance with Navajo tribal laws and policies.

CN-62-84

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Opposing Any Closure of Any BIA Educational Facilities Without Consultation and Joint Planning With the Navajo Tribe and With the Affected Local Communities, School Boards and Navajo People and Directing the Navajo Tribal Government to Take Appropriate Action in Support of this Resolution

WHEREAS:

1. The Navajo Tribe in the Navajo Tribal Code, in the Navajo Education Policies, and in the official statements of the Chairman of the Navajo Tribal Council has prescribed full consultation and joint planning involving the Navajo Tribal Government and affected school boards, communities and individuals before the expansion, closure or consolidation of any education program or facility; 10 NTC §2; 10 NTC §121; and

2. The Navajo Tribe rightfully relies upon the Treaty of 1868 and the mandates of federal laws, which prescribe federal responsibility for the education of the Navajo people and prescribe an active, participatory role for tribal governments and for Indian communities and people in formulating plans for Indian education, including plans for facilities utilization, school closures and other education concerns; and

3. Despite the mandates of the treaty and federal laws, and in contravention of the government-to-government relationship between the Navajo Tribe and the Government of the United States, the Bureau of Indian Affairs has closed the Sanostee Boarding School without meaningful consultation or cooperative planning with the local school board, local community or the Navajo Tribal Government regarding the state of the facilities, options for continued operation, or alternatives for the children involved; and

4. Similarly, changes are projected for the Snowflake Dormitory which have also been proposed in contravention of the government-to-government relationship and without appropriate consultative processes; and

5. There is a genuine danger of additional closures or changes in program of educational facilities serving the Navajo Nation, which could impair the quality of education available for Navajo students; and

6. Inadequate maintenance of educational facilities by the Bureau of Indian Affairs may result in additional facilities closures at the expense of the Navajo people and in disregard of the responsibility of the Bureau for adequately maintaining its facilities; and

7. The Navajo Tribe has a national interest in maintaining government-to-government dealings with the federal government in regard to all Navajo educational facilities and programs built, operated or maintained with federal funds, and in assuring that no reduction in educational services occurs in regard to these facilities or programs.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council reaffirms its right to rely upon the Treaty of 1868 and federal laws regarding Indian education to require of the Government of the United States appropriate provisions for the education of Navajo students developed and operated in cooperation and consultation with the Navajo Tribal government, local school boards, local communities and the Navajo people.

2. The Navajo Tribal Council reaffirms its commitment to joint planning with federal, state, local and private education providers in arriving at decisions regarding educational programs and educational facilities.

3. The Council directs the Chairman of the Navajo Tribal Council, the Attorney General of the Navajo Nation, the Executive Director of the Navajo Division of Education, and the Education Committee of the Navajo Tribal Council to make appropriate plans and take appropriate actions in support and defense of the rights of the Navajo Nation to partnership with the Bureau of Indian Affairs in planning for educational programs and for educational facilities utilization, including where these interests are significantly affected, litigation in support of the rights and interests of the Navajo Nation.

4. The Navajo Tribal Council further requests that the BIA facilities at Shiprock, New Mexico be renovated before the facilities are transferred to the Navajo Tribe for the Navajo Community College Shiprock Branch.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 67 in favor and 0 opposed, this 14th day of November, 1984.

Chairman
Navajo Tribal Council

CN-64-84

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Acknowledging the School Attendance Boundaries Established by the Bureau of Indian Affairs as Temporary; Requesting that the Assistant Secretary for Indian Affairs Take Certain Steps to Avoid Seriously Detrimental Effects on the Education of Navajo Children; Directing the Chairman of the Navajo Tribal Council to do Everything in his Power to Secure the Agreement and Cooperation of the Assistant Secretary for Indian Affairs in Adopting these Recommendations; and Directing the Navajo Division of Education to Provide Assistance to Those Requesting and Requiring it in Regard to the School Attendance Boundaries

WHEREAS:

1. The Navajo Tribal Council, as the governing body of the Navajo Nation, has a responsibility to represent to the government of the United States the deep concerns and positions of the Navajo Nation regarding the provision of education for the Navajo Nation by the Bureau of Indian Affairs; and

2. At the direction of the Congress of the United States, the Assistant Secretary for Indian Affairs has established school attendance boundaries for all Bureau of Indian Affairs-funded schools within the Navajo Area, which boundaries are currently in effect; and

3. As recently enacted, Public Law 98-511 requires that tribal governing bodies or local school boards be given one year from the date of enactment of the Indian Education Amendments of 1984 to propose school attendance boundaries; and

4. Due to the manner in which the boundaries have been implemented, there are a number of problems and concerns which need to be addressed in order to avoid seriously detrimental effects on the education of Navajo children. These include, but are not limited to, problems regarding the lack of written instructions, definitions and guidelines for implementation of the boundaries; problems concerned with the initial implementation of the boundaries, particularly in relation to students who were enrolled at the very beginning of the school year; "technical" problems; and problems related to the parental choice question; and

5. Consultation with local school boards, Bureau of Indian Affairs Education officials, school administrators and others has resulted in the development of several recommendations for addressing these problems, and

6. Having considered these problems and the recommendations of its Education Committee, the Navajo Tribal Council finds that it is in the best interest of Navajo students and their schools that these matters be addressed to the Bureau of Indian Affairs at its highest level.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby acknowledges the school attendance boundaries which have been established by the Bureau of Indian Affairs as temporary boundaries which are subject to change for one year from the date of enactment of P.L. 98-511, the Indian Education Amendments of 1984.

2. The Navajo Tribal Council recommends and requests that the Assistant Secretary for Indian Affairs immediately take the following steps in order to avoid the seriously detrimental effects on the education of Navajo children which might otherwise occur:

A. Grant Navajo Area Agency Superintendents for Education sufficiently broad authority, for the current school year, to authorize the enrollment of students in schools outside their attendance area for reasons related to the problems inherent in the initial implementation of the school attendance boundaries, providing that those reasons are justified in writing in the affected students' files.

B. Grant permission, in writing, for all students presently enrolled in the seventh or eighth grade and for all students presently enrolled in the eleventh or twelfth grade to complete the eighth and twelfth grades, respectively, in the school in which they are currently enrolled, even if that school is outside their attendance area, as established by the new school attendance boundaries.

C. For the present, define school attendance boundaries as limiting the recruitment of students by school officials, and not as limiting parental choice of schools for legitimate reasons.

D. As soon as possible, and in consultation with Navajo Area Schools, school boards, school officials, BIA education officials and the Navajo Tribe, develop a clear and comprehensive definition of what school attendance boundaries are and what they do.

E. As soon as possible, and in consultation with those named in the preceding paragraph as well as with Navajo parents, develop guidelines for determining legitimate reasons for parental choice decisions, and grant Agency Superintendents for Education the necessary authority to interpret those guidelines. A suggested list of categories of reasons and examples is attached to this Resolution as Appendix A.

F. Direct that the school attendance boundaries be precisely plotted on maps which are far more detailed and accurate than is presently the case.

G. Establish a task force composed of representatives of those individuals and entities named in paragraph "D" above to develop minimal basic enrollment guidelines. These guidelines should include procedures for authorizing transfers of students from one attendance area to another, for settling enrollment disputes through the Education Committee of the Navajo Tribal Council when they cannot be settled otherwise between the affected schools, and such other guidelines and procedures as the Task Force may deem necessary and appropriate for the effective implementation of school attendance boundaries.

H. Immediately establish, in writing, a policy of "open enrollment" for all special purpose schools.

I. As soon as possible, develop procedures through which ISEP funds can "follow", on a pro rata basis, students who transfer from one school to another.

J. As soon as possible, and in consultation with those individuals and entities named in paragraph "D" above, develop procedures for determining how enrollment boundaries will change in the event that a new school opens or an existing one closes.

K. As soon as possible, and in consultation with those individuals and entities named in paragraph "D" above, develop policies and procedures for the enforcement of the school attendance boundaries.

L. When considering attendance boundaries in the Former Joint Use Area, the BIA preserve and protect the interests and rights of Navajo people continuing to reside within the area partitioned to the Hopi Tribe, as designated Hopi Partitioned Land (HPL).

3. The Navajo Tribal Council hereby directs the Chairman of the Navajo Tribal Council to do everything in his power to secure the agreement and cooperation of the Assistant Secretary for Indian Affairs in adopting these recommendations.

4. The Navajo Tribal Council hereby directs the Navajo Division of Education to provide any and all necessary assistance to those schools, school boards, and communities requesting and requiring such assistance in order to resolve problems associated with the school attendance boundaries and their implementation.

5. The Navajo Tribal Council further directs the Chairman of the Navajo Tribal Council to do any and all things necessary to repeal the federal law which require school attendance boundaries in the event that school attendance boundaries prove unworkable and not in the best interest of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 55 in favor and 0 opposed, this 15th day of November, 1984.

Edward T. Begay

Vice Chairman
Navajo Tribal Council

Senator DECONCINI. Next we'll hear from Ned Anderson, chairman of the San Carlos Apache Tribe.

Good morning, Mr. Chairman. We have your statement here. If you will, summarize it for us. We will have the full statement in the record.

STATEMENT OF NED ANDERSON, CHAIRMAN, SAN CARLOS APACHE TRIBE

Mr. ANDERSON. Thank you, Senator. I am tribal chairman of the San Carlos Apache Tribe and president of the Tribal Council of Arizona. You have my statement entitled "Student-Teacher Relationship in Apache Education."

Nevertheless, after having discussed the paper itself with influential people, students, parents and educators, I have concluded that what I have presented in this paper—and I would like to say that every word in this paper counts—applies to other Indian tribes as well.

I would like to state, first of all that I have served in several Indian education and public school related functions and also that I have completed my formal education. It took me 20 years without having to repeat a class, thus receiving, in 1973, a law degree. After about a year—it was in 1974—I sat down and looked back and wondered about myself. As a student, I had problems that I encountered which were also being encountered by my peers and students from my tribe. I thought to myself, what within this process is there, if I could just identify one thing, what was it that made the difference in terms of whether I could succeed or not.

I, of course, had problems involving homesickness, lack of money, culture shock, and things like that. But what I found out was that in a classroom situation where half the students who are attending are Navajo, the teacher really did not level with his students. In other words, they did not tell the students what was expected of them. But when the student came into the classroom he or she felt that he or she knew what the teacher expected of him or her.

On the other hand, the teacher also felt that she or he knew what was being expected of the student, but what it was, was that the expectations really did not cross at the same point so there was a misunderstanding.

It seems to me what the teacher had to say at the beginning was simply, "look, in this classroom situation, until the whole educational institution has been changed, all you have to do is to regurgitate anything I mention to you or anything that I assign to you. Do not deviate from that. Whenever I ask you a question in a classroom discussion or whenever I pose some questions in an exam, just repeat what I said to you or what you have read in the assignment materials and nothing more.

What I am saying in essence, is that the whole educational institution which has been designed for the dominant society does not inspire our students to be creative and analytical. I believe until this has been changed that our students cannot be accommodated. Just because I said that our students expect to be creative in a classroom situation does not mean that they can, because as probably has been told to you this morning, and perhaps from your readings at just about almost all the schools, Indian students' attendance are below standard. As I indicated, there is this misunderstanding on the part of our students.

It seems to me there are two alternatives available in this situation. No. 1, the teacher should adjust instead of the student. In other words, all the teacher has to do is say, do not do any more. Just repeat, repeat, repeat.

In conclusion, I would like to state that it seem to me the students who have gone through parochial schools—and there are many, there are three on my reservation—do even better than those who have gone through other schools. This is probably because they memorize Bible verses and responses and the like, so they carry this idea into the school situation, beyond the schools that they attend, or else they pray more than the other students.

Senator, you can get all of this from the paper.

Senator DECONCINI. I have read some of your paper, Chairman Anderson. I cannot argue with you, and I do not intend to argue with you, because you know better than I. It seems a little simple, quite frankly, to lay it on the teachers, that the teachers have to change how they have been professionally trained.

What we can expect the families of the Apache Indian or any other Native American families to do for their children? Are they versed with this discrepancy or imbalance that you mentioned?

Senator ANDERSON. No, they are not. In a usual family situation, the Indian family, they are taught to respect the elderly. The teacher is seen as a form of authority. Whatever the teacher says or does, you must do. Therefore, they are taught in a situation where the elders are the ones who are supposed to help you with advice and that advice should only serve as a foundation which would be the basis for creativity on your part. In other words, whatever tools are given to you by your elders, or in this situtation the teacher, use that. If a teacher built a foundation for you, use those tools to build a home. Do not try to build another foundation because that has already been built for you.

Senator DECONCINI. What worries me is, how do you approach a teacher and tell them, well, what you have to do here is instruct these Native American students to regurgitate only what you give them and not to be innovative. No teacher wants to admit, I do not think that that is the kind of teaching he does, even if it is. Many would insist that they do not do that. I do not dispute what you say here. But, in trying to implement it, it would seem almost impossible to get teachers to admit that they are just expecting people to come back with only what they have given them and not be innovative at all. Do you think it is realistic to try to get teachers to do that?

Mr. ANDERSON. I believe so. If you will look further in that paper, you will see where I discuss a contract type of relationship where the student would meet with the teacher, before the schooling begins, and say, this is what I will be expecting from you and this is all you will have to do until our institution as a whole changes.

Senator DECONCINI. That works well if you have a low ratio of teachers to students. Is it your experience that there is a low enough ratio that there could be that contractual one-to-one relationship prior to the semester starting of what is expected of the student?

Mr. ANDERSON. I do realize that something like that may not be realistic.

Senator DECONCINI. I think it is an excellent idea.

Mr. ANDERSON. I do know, too, that these schools do have counselors who are supposed to have the one-to-one relationship with students.

I would like to say that I have children in parochial schools and in my own parochial school, and this is what I have been advising my students. In fact, when I was having this typed by one of my secretaries—she is a student now at NAU—and I understand when she was going through this, reading it back to the other secretary, that she agreed with just about everything I said in here.

Senator DECONCINI. I really appreciate your being as candid as you always are, Chairman Anderson, and getting this on the record. I think it is important to get under consideration. I find it very challenging trying to find a solution to it. I think it has to be said.

Mr. ANDERSON. A couple things and then I will end this.

No. 1, as you indicated, when I mentioned this to the educators, they all became defensive. I guess they go through certain norms inpreparation for their going out to teach and it is hard for them to depart from the norms.

No. 2, as indicated, the problem in a sense is so simple that everyone attempts to overlook it. I found out that if I just stuck with regurgitation—and that is what I started doing in college prior to entering law school—that I did better. In fact, throughout college I did not even know anything about the dean's list. Once I got into law school, I stuck with this again, and I made the dean's list.

Thank you.

Senator DECONCINI. Thank you very much, Mr. Chairman.

Your prepared statement will be entered in the record at this point.

[The prepared statement follows:]

THE TEACHER-STUDENT RELATIONSHIP IN APACHE EDUCATION

(By Ned Anderson, Chairman, San Carlos Apache Tribe)

It is a fact that Apaches have had—and still have—a shockingly high rate of failures in education. A number of reasons could be cited for this, but my purpose today is to discuss one reason that remains unrecognized. The particular problem is indeed unique, as it seemingly exists without any of the participants suspecting it. Its identification is an important step towards its elimination.

Junior high, high school and college teachers of Apaches assume that their students are aware of what is expected of them in school. These Apache students, on the other hand, assume that they know what their teachers expect from them. In actuality, neither of the two realizes that their expectations are very different. This difference in expectations between the teacher and the Apache student contributes to the failure of these students in the educational system.

Undoubtedly there are numerous reasons for this divergence of view points between the teacher and the student, but the lack of awareness by both parties of the existence of the problem precludes any solution.

The teaching that Apache students, and others, are exposed to during junior high, high school, and under-graduate college provides no incentive for the student to be creative. Many teachers at these levels of education still rely on traditional methods that stifle creativity and individual exploration. Students are commonly rewarded only for relatively insignificant things such as class attendance and the number of times a student speaks up in class. More specifically, all the student needs to do in order to receive passing grades is to show his (or her) teacher the ability to regurgitate what was heard and read in class. The first occasion for repetition of this sort occurs in class discussion; the second when exams are given. In short, rather than encouraging the students to be creative by requiring them to expand on the knowledge imparted by the teacher or the assigned materials, the teacher merely expects them to repeat what they know.

In the case of the Apache student, the formal education available to him is invariably designed by and for the dominant Anglo culture and therefore is foreign to him. Moreover, when he enters the process his expectations are very different from those of Anglo students. He embarks with the idea that his teacher will give him basic instruction or information, through lectures and assigned literature, to inspire him to become imaginative and creative. By way of analogy, he believes that the teacher will at least set the foundation, and it will be up to him to build a house on top of it, using the "tools" provided by the teacher.

Because of his educational outlook, the Apache student does not perform statisfactorily in school. This is most apparent during class discussion and when exams are given. The Apache student's class participation—if it can be called such—is usually minimal, if not totally lacking. The major reason, once again, is because he thinks his teacher expects him to express intelligent, spohisticated ideas based on the information given him previously. Consequently, when the teacher calls on him, frequently he will not answer even though he may know the correct answer. The answer is usually at the "tip of his tongue," as it were, but he will not reveal it for fear that other students and even the teacher might scoff at him for merely repeating what has already supposedly been made part of his knowledge. However, when another student (almost invariably a non-Apache) takes the initiative and gives the answer called for, the Apache student discovers that the answer he harbored when questioned was the same one verbalized by the other student. As a result of this poor performance, the Apache student may be stigmatized as being reticent or even "dumb".

This type of performance by Apache students while usually not fatal with respect to class participation, is fatal at exam time! For it is at this time that the student must demonstrate that he has learned something. The problem is not that he did not learn anything. Rather, the problem is whether the "something" he learned is acceptable to the teacher. There is one crucial criterion for acceptability. He must properly regurgitate what the teacher presented.

The Apache student normally approaches a final exam in the same frame of mind as he does class participation: He may know the answers to questions posed in the exam but will not give answers that seem to him too obvious and which might therefore insult the teacher. As a result, he generally fails the exams because he either gives no answers or gives novel answers which do not meet the teacher's expectations. The latter type of answers are consistent with what the student thinks is expected from him, because they are not based on mere repetition. But, as far as the teacher is concerned, he has gone above and beyond the limits of tradition. Therefore, he will be penalized rather than rewarded.

The Apache student, like any other person, is exposed to what anthropologists have termed "enculturation". That is, certain skills are learned in the home or society which help him with his day-to-day survival.

Such instructions cannot serve as the impetus to creative thinking—they are not meant to! On the contrary, they are merely basic "tools", and nothing more. These instructions are different from those that should exist in a classroom if the teacher wants to encourage creative analytical thinking and dialogue, but the classroom has been, and still is, a place where a great deal of regurgitation occurs.

That this form of education, particularly at the college level, is insufficient to meet the needs of Indian students has been pointed out by Emory Sekaquaptewa, a Hopi Indian who is Chairman of the American Indian Studies Program at the University of Arizona, in an article dealing with the development of Indian leadership in college.

He states that training at the undergraduate level produces "carpenters" whose training is primarily concerned with acquiring technical skills to equip them for traditional roles. In the case of Indian technicians who return to the Indian Community, their technical training has prepared them with skills that are not necessarily applicable to Indian society and do not equip them to assume leadership within their society.

Without training for broader understanding, Sekaquaptewa feels the Indian is at a distinct disadvantage in dealing with the rationale of the existing system in order to influence and redirect them. More specialized training in the development of independent reasoning and judgment based on a broader perspective of the relations between Indian and non-Indian systems could provide the "architectural" approach in bringing about policies of change that assert Indian self-determination.

One White Mountain Apache parent has expressed similar concerns: "The things that our children strive to learn nowadays are usually the things that have already been established . . . They see our office here and therefore attend school hoping that someday they will work in them—but these things have already been established. We should encourage our children to look beyond material things. Let's encourage them to be creative, to exercise their imagination or intiative. We need kids who can dream beyond just the office desk, who can start new businesses.

Most parents of Apache students are not conscious of this problem. They, just like their children, are not aware of the situation.

The fact that Apache students think they are expected to perform with sophistication in terms of feedback in school does not necessarily mean that they can. To the contrary, most students are incapable of doing so for at least two reasons. First, the schools they attend are, with some unusual exceptions, not preparing them to perform creatively. In fact, many studies have shown that schools attended by Apache students are below standard. Second, the students' state of mind regarding school performance is frequently based on misunderstanding of their teacher's expectations which the teachers have not explained to them.

How can this problem be resolved? There are at least two alternatives, both requiring realization and acknowledgement, by the teacher, of the existence of the problem. The ideal solution would be for the teacher, rather than the student, to make the necessary adjustment. In this case the teacher would change his teaching norms so as to accommodate the Apache student's expectations regarding class participation and exam taking. Moreover, the teacher would immediately design and implement teaching techniques that make for creativity and freedom of expression on the part of students.

A more realistic and practical approach would involve a direct, continuous student-teacher communication. Initially this would require a discussion of a "teaching contact", in which the teacher makes his expectations clear to the student. (I am here to teach you something and you are here to learn something and be able to show me, at appropriate times, that you are able to regurgitate the answers based solely on my lectures and/or assigned material). This should not imply a guarantee of a passing grade. It must simply state a promise of what the teacher will do and what the student will do. If either strays from the original expectation, it should be a simple matter to review the contract. The idea is to let the student know what the teacher expects from him so he may succeed in school.

The problem I have just discussed represents one of many that confront Apache students in school and which frequently lead to failure. Since the problem has now been identified, it would seem that all concerned parties should take appropriate action. But in the final analysis, it is the teacher who could best take the initiative.

There are at least two alternatives open to the teacher. The first is aspirational in character and represents the objective toward which every member of the teaching profession should strive. This particular alternative is virtually impossible to apply at the present time as it would mean having all teachers of Apache students part with their commonly-held traditional teaching norms in favor of techniques that make for student creativity. In other words, many teachers are not ready to change at this time.

The second alternative, dealing with a student-teacher contract, is probably the most realistic. Ever since formal education was introduced to him, the Apache student has always been the one who had to adjust. Even today he still has no choice but to do so because, just as in the past, the formal education available to him is usually designed and formulated by and for non-Indians. The establishment institutions are not oriented toward the needs of Indian communities. Indian teachers, as well as non-Indian teachers, trained in these institutions find it difficult to deviate from traditional teaching norms.

Whatever course of action is pursued, one thing is clear: There is an urgent need for positive action which will lead to eventual alleviation of the problem!

Senator DECONCINI. Next we have Governor Dana Norris, chairman of the Gila River Indian community.

Governor Norris, welcome. We have your full statement here and we will put it in the record in total. If you will please summarize it for us.

STATEMENT OF DANA R. NORRIS, SR., GOVERNOR, GILA RIVER INDIAN COMMUNITY, SACATON, AZ, ACCOMPANIED BY GREG LEWIS, GILA RIVER INDIAN COMMUNITY

Mr. NORRIS. Thank you, very much, Senator DeConcini and members of the Senate Select Committee.

To my right here is Mr. Greg Lewis. He is a member of the Gila River Indian Community Council and also a member of the Education Standard Committee of the council. His purpose in coming with me is to provide whatever numbers and technical assistance that may be available with regard to any questions that may be asked.

Senator DECONCINI. Welcome Mr. Lewis.

Mr. NORRIS. Senator DeConcini, members of the Select Committee staff, fellow Indian leaders, I am thankful for this opportunity to express the views of Pima and Maricopas of the Gila River Indian Community, Sacaton, AZ, regarding the Education Amendments of 1984. It is my understanding that the focus of the hearing today is on the current operation of bureau run and tribal contract schools, and title IV programs. The Gila River Indian community feels that its most valuable human resource are its children. Pima and Maricopa children are the carriers and transmitters of the unique traditions, culture, and language of Pimas and Maricopas which are different from any other group of people in the world. So it is understandable that the quality of education offered to community members is of great concern.

Unfortunately educational services offered by state and federal schools in the past has been abominable and substandard, to say the least. Tragically, this situation has been perpetuated by current Federal educational policies. I strongly feel that only through local control of Indian education institutions can the quality of educational programs offered to Pimas and Maricopas improve allowing Indian children an opportunity to fulfill their hopes and dreams either on or off the Reservation.

On our reservation a variety of schools provide Pimas and Maricopas basic education. First, there are two day schools in operation at Casa Blanca and Gila Crossing. The Tribe also supports a contract school, Blackwater School. Many of our elementary age children attend public schools supported by the State of Arizona in Sacaton and off the reservation. Pima and Maricopa secondary school students attend public schools in towns surrounding the reservation or attend BIA boarding schools in Riverside, CA or the Phoenix Indian School. In addition, St. Peters Mission at Bapchule and St. Johns Mission School also meet elementary education needs.

With respect to boarding schools and the amendments of section 1121(g) (1)–(5) of the Indian Self-Determination and Education Assistance Act regarding closure of any school operated by the BIA, I think such procedures are needed and should have been enacted prior to the closing of the Intermountain Boarding School. While I recognize that education is much more meaningful to a student living at home with his family on his or her own reservation, there are certain classes of students who may benefit from a boarding school education. For instance there has been much talk that the Phoenix Indian School may be closed in the near future. I know that there are now many groups interested in developing the land on which the school is located since the land is in a prime location in the heart of the central Phoenix.

For the committee's information the Phoenix Indian School occupies land which is within the area recognized by the court of claims as land occupied by Pimas and Maricopas prior to the organization of the United States.

The point that I am making is that the direction and goals of the Phoenix Indian School need not be an attempt to provide a comprehensive general secondary education. The education goals should be narrower and more capable of being achieved. For instance, it may be that the focus of the school should be on vocational training to take advantage of the numerous training and employment opportunities available in the greater Phoenix area. My suggestion is that BIA boarding schools should have the flexibility to adapt to and meet current education needs.

A major concern that plagues schools on our reservations is the fact that there is insufficient moneys appropriated to properly operate and maintain, rehabilitation, and equipment for BIA schools. Therefore, the amendments to section 1126(c) of the act are important. Our contract school at Blackwater and the two BIA day schools require additional operation and maintenance funds. The establishing of priorities is a sound and logical way to allocate appropriated funds and the mere acknowledgement of this problem is extremely significant. Once priorities are established sufficient funding must follow.

The community like Congress is interested in seeing that Pima and Maricopa children are provided the best education possible. So the standards now required by section 502 (a) and (b) are acceptable. My concern is if there are standards Congress should appropriate the necessary funds so that the standards may be met. It makes no sense to require that certain educational standards be developed if the funding available does not even follow an Indian school board access to funds to make the appropriate decisions to meet these standards.

The establishment of uniform fiscal control and fund accounting procedures for contract schools poses no problem for the community. Blackwater School will comply with any such standards and I believe that the BIA Central Office and Congress will finally have accurate data on which to evaluate contract schools.

Inadequate funding of the Blackwater School, a contract school, raises another issue. The uniform direct funding provisions contained in section 506 are important. The forward funding method does alleviate the delay in the availability of moneys and is a step in increasing the efficiency of distribution of school moneys.

The amendment to 1129(c) is a much needed provision since tribal divisions of education and tribal educational codes need to be developed. Our community education department is a very important part of the total educational program on our reservation. Clearly, there needs to be developed policy which advances the best educational interest of Pima and Maricopa students and their unique problems. Unless the tribe itself has the power and capacity to develop educational policy and has sufficient funds to implement these policies, education on our reservation will suffer.

Local control and local decision making is of utmost importance and unless tribes are given the opportunity to regulate educational matters affecting their tribe, achievement of sound tribal educational programs will not take place.

Indian School Equalization Program [ISEP] allocations should be keyed to State standards as well as other BIA school allocations. It is important to recognize that contract schools are significantly different from other schools especially public schools since their mission is different. The Blackwater School at Gila River is community controlled, is sensitive to the culture of Pimas and Maricopas, integrates tribal traditions into the curriculum, and parents actually exercise a choice in deciding whether to enroll their children in Blackwater School. Contributing to increased costs of this school are factors like the following: Blackwater School is smaller in size of enrollment than other schools, it inherited an outmoded facility from the BIA which is expensive to operate and maintain, and because the school is located in a rural area it incurs extraordinary transportation costs because of the distance from home to school, a situation not uncommon to most Indian reservations. The very fact that Blackwater School is not part of a large school system, either Federal or State, also contributes to an increased per pupil cost.

In closing, the Gila River Indian community is committed toward developing quality educational programs for Pimas and Maricopas. It is my hope that through these hearings that both Congress and the BIA will take the necessary action to request and have appropriated sufficient moneys so that Indians may have an equal opportunity to compete in today's world. I thank you for your attention to my remarks.

Senator DeConcini. Governor Norris, thank you. As usual your testimony enlightens.

Do you have a number of students from your community at the Phoenix Indian School?

Mr. Norris. At the Phoenix Indian School we have approximately 110 today. You have not asked this, but we have about 100 students at the facility at Riverside, CA.

Senator DeConcini. I wonder, if the enrollment does subside what is the best use for that school, in your opinion?

Mr. Norris. It is hard to say. We recognize that the school in its present location may not be the ideal place to educate Indian children. It is now in the high-rise corridor and it is our feeling that something needs to be developed there that may not necessarily be an education facility.

As to the property, I have already stated how we feel where its relationship with us is concerned. I did not answer your inquiry with regard to the use of the Phoenix facility.

Senator DeConcini. You think we should maintain a Phoenix Indian school, but not necessarily right there?

Mr. Norris. Right.

Senator DeConcini. Even if the enrollment does subside because of some of the new schools that have been provided, we should keep a Phoenix Indian school?

Mr. Norris. We should definitely keep a boarding school. I feel that there will always be a need for a Federal boarding school with different emphasis.

Senator **DeConcini**. Maybe it should shifted?

Mr. **Norris**. I am going to be very selfish, Senator. If a Federal facility is built in this area to serve the Southwest, I would prefer to have it on Gila River.

Senator **DeConcini**. I understand. Thank you very much. I understand about building in the Southwest, too. I prefer to have these things in Arizona.

Our next witness will be Gilbert Pena, vice chairman of the All-Indian Pueblo Council, Albuquerque, NM.

STATEMENT OF GILBERT M. PENA, VICE CHAIRMAN, ALL INDIAN PUEBLO COUNCIL, ACCOMPANIED BY BENNY STAR, CHAIRMAN, EDUCATION COMMITTEE, BERNALILLO PUBLIC SCHOOLS, AND CHARLES HUSTITO

Mr. **Pena**. Thank you, Senator. I know we are pressed for time. I will make my comments brief.

With me today is Mr. Benny Star and Mr. Charles Hustito. If time permits, I would like to allow these gentlemen to say a few words.

On behalf of the All-Indian Pueblo Council I welcome this opportunity to be here before this committee.

The All-Indian Pueblo Council and its member tribes have always had, as a high priority the education of its children. However, Senator, it is ironic and confusing at times, and depressing at times, the administration and our trustee, the Bureau of Indian Affairs, have always had as a high priority the education of our children and yet we have seen continued funding cuts over the years that almost make it impossible to even plan or establish educational programs at our various schools or even on the reservation.

Mr. Joe Abeyta, adequately I think, addressed the impact of title IV and the programs we have had established at the Santa Fe Indian School, such as accelerated learning programs, and the creative arts program. The impact of this has been felt by not only the students and ourselves but certainly the parents. Title IV funding has allowed our school to successfully implement needed programs identified through parents and tribal leadership. It is imperative that these programs have sufficient funding provided to continue.

The other area of concern since 1983, Mr. Chairman, has been the Johnson O'Malley program. On August 23, several proposed funding formulas for comment were published in the Federal Register. In our opinion the funding formulas that were proposed, do not address the question of equitability but rather, pit tribe against tribe. In this case the Alaskan Native against the tribes of the lower 48.

We have tried since 1983 to propose a formula that will be more equitable, that will take the average per pupil cost in each State times 8 percent, and 8 percent was reached because that would adequately meet the needs of students in New Mexico. This formula would require an additional $9 million to be added to the present appropriation. At the present time we are trying to disseminate this information so that hopefully it will not fall on deaf ears in the Bureau of Indian Affairs. Again, as I mentioned, we have tried to get this formula printed in the Federal Register through a supplemental printing but that has been very unsuccessful. Hopefully, you may be of assistance. Our congressional delegation is aware of the problem and the strategy that we are trying to undertake.

In closing, Mr. Chairman, we have several other programs that we have outlined in our testimony and I think they are very self-explanatory. They detail the tremendous impact these programs have had.

I think the biggest obstacle of any in establishing any of these education programs on our reservation has been inadequate funding. At this time, Senator, I think you would like to have Mr. Star perhaps say a few words.

Mr. STAR. Thank you. Honorable Chairman, members of the committee. My name is Benny Star. I am the chairman of education for Bernalillo Public Schools, Sandoval County, NM.

I would like to express our appreciation for the opportunity for you to hear us in our concerns for our children's education.

I also want to express our appreciation for the past support that you have given us. However, there are many areas that all of us need to concern ourselves with; many areas which can help our Indian students. I think through education only will our people realize better things in life, be better equipped, have the skills for their livelihood, for their contribution to society. Only through education can this be gotten.

I want to express continued support for Indian education. We can talk about many areas. I have served as a tribal appointee since 1968. My responsibility covers all education, including elementary, secondary, and title IV.

Many have talked about duplication of title IV and JOM. Research was done, documentation to substantiate that this is not so. They are not duplicating one another. We have brought about innovative programs through title projects which are relevant to our Indian students. We want to support continuation of those title programs, title IV, JOM, impact aid, and all other title programs. Only through those projects can we be able to bring about innovative programs relevant to our Indian students, which I think should be appreciated.

We have also other problems. Our States have certain requirements. We are continuing to advocate and incorporate some of those projects that have been brought about by those title programs. We have yet to see these things done. We feel it is a must that we have the continuation of those appropriations for those projects. Numbers of students have increased since my involvement from 1968 to date. But the numbers in dollars have decreased. It is obvious that you cannot do the job with less money, more students. There has been talk about excellence.

There has been talk in Washington that money is not the answer. I can say that, for the fortunate, for those people that have the resource, but the majority of our Indian people do not have that resource. Recently the number for higher education students has increased. Because of lack of money, our students have been disenrolled, threatened with disenrollment for the continuing students, for the freshmen. Postsecondary institutions have increased their tuition. Washington ones have decreased.

Senator DeConcini. I am running out of time and I have two more witnesses. I appreciate your testimony. Any further testimony you would like to give, we would be more than happy to receive for the committee.

I want to compliment you and Mr. Pena and also the two Senators you have from your State, Mr. Bingaman and Mr. Domenici. I am serving on a committee with Senator Domenici and have seen Senator Bingaman constantly resisting cuts by this administration and the past administration. It is a very important thing. I am sorry, I have run out of time.

Mr. Star. I appreciate the time. I want to close and I want to again say we are in support of all of the testimony made here, of all the concerns presented to this committee, and again I want to thank you for the time.

Senator DeConcini. Thank you, Mr. Star.

Mr. Pena, your prepared statement will be entered in the record at this point.

[The statement follows:]

Prepared Statement of Gilbert M. Pena, Vice Chairman, All Indian Pueblo Council

Honorable Chairman and members of the Senate Select Committee on Indian Affairs. My name is Gilbert M. Pena, I am the Vice-Chairman of the All Indian Pueblo Council (AIPC), which is comprised of the Pueblos of Isleta, Cochiti, Jemez, Laguna, San Felipe, Sandia, Santa Ana, Santo Domingo, Zia, Zuni, Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Tesuque, and Taos. The AIPC and its member Tribes have as a high priority the education of its children. It is ironic that the Administration and our trustee, the Bureau of Indian Affairs, have advocated that education is a priority, yet, we have over the years seen funding for educational programs reduced. Our testimony will address the following: A. Santa Fe Indian School and Title IV; B. Johnson O'Malley; C. Scholarships; D. AIPC Teaching Training Program; E. Southern, Northern Pueblos Agencies Day Schools; F. Other Educational Issues.

A. SANTA FE INDIAN SCHOOL AND TITLE IV

The following paragraphs briefly describe the Santa Fe Indian School's experiences with the Title IV programs.

Culturally relevant curriculum development

When the Santa Fe Indian School first contracted the program in 1977, relevant learning materials and teaching methodologies were non-existent. It was evident that curriculum had to be improved. Title IV programs provided the school with the necessary support so that the school would be able to develop and pilot test learning materials. The implementation of more relevant curriculum materials in such areas as reading, social studies, art, and the counseling program were instituted. These programs are now well established and have become part of the regular school program.

Accelerated learning program

As more students became interested in the Santa Fe Indian School, the regular school curriculum had to be revised to meet the needs of the new students. Additionally, accelerated students were being admitted who needed academic challenging. For the past three years, because of the Title IV programs the school was able to provide these students with a well rounded and stimulating academic program. The project had the resources to develop a more refined curriculum, provide target students with individual educational plans, and train staff to work with the accelerated student. Courses such as Physics, Botany, Trigonometry, Analytics, Native American Literature, Native American History, Actors Studio, Speech and Debate, and Advanced Art are now added to the school's regular course offerings through the help of Title IV programs. Yet more funds are required in this area for optimal results.

Creative arts program

As described in the "Background" of this testimony, the school was contracted in 1977 with a mandate from the tribal leadership to implement a program of excellence. They advised that discipline and a strong basic skills program be emphasized. These two objectives were developed; however, it did not include strengthening the creative arts. Though an analysis of needs assessments of students, parents, and staff, they encouraged revitalizing the art and music areas as had been experienced by many of the parents prior to the contracting of the school. Again, the Title IV programs provided the funds so that the school was able to develop, pilot test, supply, and implement a strong creative arts component which is now integrated into the regular curriculum.

Parent involvement

The philosophy of the Santa Fe Indian School has always been to seek meaningful parental input into the school program, which includes the academics, dormitories, athletics, counseling, food services, and the health and safety programs. And most important, to be involved in the new initiatives implemented through the supplemental projects such as the Title IV programs. They participate in the assessment, planning, implementation, and evaluation of each of the programs. Presently, there are nine active members of the Parent Advisory Council. It is worth noting that there has never been an occasion that a meeting had to be cancelled due to a lack of a quorum. The present members come from as far away as Sanostee, Zuni Pueblo, Laguna Pueblo, an Taos Pueblo, etc. This type of parental involvement required by Title IV only helps to stengthen our program. Title IV has provided the school with the supplemental support so that this is possible.

Recommendations

Title IV funding has allowed our school to successfully implement needed programs identified through parents, tribal leadership, and students. The AIPC therefore strongly advocates the continued operation and reauthorization of Title IV and the integrity of these programs be kept at a sufficient funding level to meet the educational needs of our students. And, especially to support the portions of Title IV that seek competitive project applications. These efforts appear compromised by the trend of funding which has been significantly reduced from $81.7 million in 1981 to $68.8 million in 1984.

B. JOHNSON O'MALLEY

The funding formulas for Johnson O'Malley as printed in the Federal Register on August 23, 1984, do not address the question of equitability but rather pits tribes against tribes. Secondly, the formulas are all designed around an appropriation of 26 million. Finally, in September of 1983, the AIPC recommended a more equitable formula, however that formula fell on deaf ears within the Bureau of Indian Affairs.

The following represents a brief history on the Johnson O'Malley Program. In the past few years, concerns regarding the Johnson O'Malley distribution formula and some of the problems inherent in the formula's allocation of funds to Johnson O'Malley programs has been expressed by many tribes throughout the nation. Within the past year and a half, several meetings have taken place in New Mexico regarding the Johnson O'Malley funding formula and tribal input into the allocation process.

In meeting with various tribal groups, Johnson O'Malley administrators and school district representatives, the All Indian Pueblo Council has determined that:

1. The Johnson O'Malley funding formula as is written in its present form is not equitable to all tribes, and should be changed to meet the needs of all Indian students who are served by the Program. Recommended formula change should be actual per student cost per state times eight percent to cover the increase in total cost. Recommending an increase of funds in the amount of $9,000,000.
2. The Johnson O'Malley funding formula has not been adjusted to allow in the increased enrollment of Indian students nor has it allowed for an increase in the cost of education.

Example:

a. 1972 student enrollment 85,000, ages 5–18 years.
b. 1972 funding formula $25,000,000.
c. 1984 student enrollment 170,030.
d. 1984 funding formula $26,229,000.

e. 1973 cost for education of a student was $758; 1982-83 cost for education of a student is $2,316. This represents a 205.5 percent increase in the cost of education per student.

3. There is a critical need for the continuation of the Johnson O'Malley Program. Since its enactment, considerable educational progress has been made. However, Indian students remain below the national norms. Although longitudinal data for Indian students has not been compiled and distributed by state, some comparisons can be provided to illustrate the continual need.

Example:

a. In 1968, the national drop out rate for Indian students was between 39-48 percent. In 1982-83, the drop out rate for Indian students in New Mexico was 12.3 percent.

b. In 1979, 47 percent of all Indian students in New Mexico passed the New Mexico High School Proficiency Test. In 1984, 71 percent of all Indian students taking the test passed the exam.

The AIPC believes that the supplemental help assistance provided through Johnson O'Malley has made a significant contribution toward this growth. The AIPC would like to see Indian students achieve a comparable rate to Anglo students on all tests which measure achievement and performance. (1984, 98 percent of the Anglo students in New Mexico passed the New Mexico High School Proficiency Test.)

4. The process utilized by the Education Office of the Bureau of Indian Affairs to obtain tribal input into the Johnson O'Malley distribution formula is typical and indicative of the Bureau's perception of Tribal Self-Determination, i.e., consultation as long as it does not interfere with what the Bureau has decided to do. For example, while consultation meetings were being held in Albuquerque, New Mexico, on August 17, 1984, procedures for the voting process on the distribution formula were being established in the Federal Register on August 17, 1984. This negated tribal input into the distribution formula. (1983 AIPC Resolution #24 attached.)

C. SCHOLARSHIPS

Although the budget for the Bureau of Indian Affairs Higher Education Grants has not been greatly effected by the recent cuts in the Bureau of Indian Affairs budget by the Washington office, the concerns of the AIPC are focused on the funding levels for Fiscal Years 1985 and 1986.

Funding levels for the past three years and this present year have seen no noticeable increases. The number of students served by the AIPC has averaged 354 for the past three years. (381—FY 1982, 369—FY 1983, 314—FY 1984.) As for the present year, FY 1985, our number of students funded in 214. As for the funding levels, the following listed amounts were allocated to the AIPC.

Fiscal year:	
1982	$781,748
1983	778,900
1984	594,279
1985	543,987

The point that the Council would like to express is that the cost of higher education, as you are aware, has increased each year anywhere from seven to ten percent over the last four years and the funds allocated to the Council has generally remained at the same level, however as you will note the number of students funded has declined. This decline was attributed to the Bureau of Indian Affairs inability to provide accurate budgetary information and justification to Congress resulting in under-funding for the higher education grants.

Because of these blunders by the Bureau of Indian Affairs the Council had to implement restrictions in funding of students for the summer sessions and the denial of part-time students. A special program, "Academic Foundation", aimed at assisting students improve their academic skills also had to be curtailed because of the lack of sufficient funds. It is appalling to hear that 16 million dollars was returned to the U.S. Treasury by the Bureau of Indian Affairs for FY 1983 when that surplus could have been utilized by education programs such as ours to continue on-going programs and funding.

Any further funding cuts, including the one anticipated for FY 1986 and future years, would only serve to curb the attempts at self-determination on the part of our Pueblo people and impede the progress of our people in the areas of social and economic self-sufficiency.

In conclusion, even with the fullest utilization of Office of Education resources available to our students many of our students' main secondary resource is the

Bureau of Indian Affairs Higher Education Grant. Many parents' income is below the national level and summer employment for students is nonexistent thus this grant is the only means of attending a college or university. Any cut or reduction will deprive many Pueblo people of attaining self-sufficiency.

D. AIPC TEACHING EDUCATION PROGRAM

The percentage of professionally trained Pueblo Indian teachers in New Mexico has always been tragically low. Since the inception of the Pueblo Teacher Education Program gains have been made to reverse this situation, yet much remains to be done.

Recent developments in the emerging field of Pueblo Indian education demonstrate that Pueblo people are now quite willing and capable of assuming control of the formal education of their children. In 1973, the AIPC unanimously endorsed the beginnings of the Pueblo Teacher Education Program. In 1976, the AIPC assumed control of the Albuquerque Indian School through a contract with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination and Educational Assistance Act. The Albuquerque Indian School student body is composed almost entirely of Pueblo Indian students. Plans are currently being made to develop a new school district in the area of Laguna and Acoma Pueblos which would allow for more local control and input to the public school system which was previously administered by the Gallup-McKinley School District.

To meet the pressing professional educational needs of these and other educational developments, the Pueblo Teacher Education Program sees as its major role the preparation of a cadre of certified Pueblo teachers who will become responsible for the education of Pueblo children; professional teachers who live within and understand Pueblo culture; teachers who are appropriate models for Pueblo children; teachers who speak their Pueblo languages; and teachers who can feel the heartbeat of their tribes.

As is the case with most successful programs, the Pueblo Teacher Education Program has experienced tremendous growth. Student enrollment has grown from 95 in the fall of 1973, to peak student enrollment of well over 250 in 1979, a 191 percent increase in enrollment! In 1973, the program's goal was to graduate students with an Associate of Arts degree in Elementary Education. But within a couple of years this goal had become too modest, and the Pueblo Teacher Education Program currently has the AA and Baccalaureate degree programs. The number of students graduating with AA and BS degrees in Elementary Education is continually increasing. At the end of summer 1984, 160 had earned AA degrees and 104 had received BS degrees. Over 75 percent of the AA degree students have or are now actively pursuing a BS degree in Elementary Education.

Where are the Pueblo graduates? In the classroom, teaching Pueblo children in their own tribal communities. Currently, 17 of the 19 Pueblos in New Mexico enjoy the services of their own certified professional teachers. The Pueblos represented and the number of graduates from each are: Acoma (14), Cochiti (1), Isleta (2), Jemez (12), Laguna (14), Nambe (2), Picuris (2), San Felipe (5), San Ildefonso (2), San Juan (12), Sandia (1), Santa Ana (1), Santa Clara (3), Santo Domingo (4), Taos (6), Tesuque (2), and Zuni (21).

In a recent Pueblo Teacher Education Program Graduate Survey, 58 of 104 program graduates responded to a nine page questionnaire of which the following pertinent information was revealed.

Approximately 48 of the 58 graduates indicated they were employed as regular classroom teachers. Of these, 23 are employed with the Bureau of Indian Affairs; 10 are employed with the Public Schools; 10 are employed with Head Start Programs; and 5 are employed with the Parochial Elementary Schools.

Several graduates hold non-teaching positions but are employed as educational administrators in any one of the following capacities: Bureau of Indian Affairs Principal, Head Start Director, and Public School Title Directors. The remaining 6 program graduates hold positions within an educational system as: Public School Librarian, Education Consultant, Teacher Aides, and Tutor. One graduate is now a retired Bureau of Indian Affairs Teacher.

Additional information pertinent to this report is the educational background of our program graduates as it reflects their accomplishments in any post-baccalaureate degree programs. The survey revealed that:

Approximately 32 of 58 program graduates have taken 3–9 hours since receiving their Bachelor's degree. At least 7 are currently in a Master's degree program and 7 program graduates have received a Master's degree in any one of the following fields: Elementary Education, Education Administration, Bilingual Education, and Special Education.

The most significant aspect of Pueblo Teacher Education Program success, however, is that all of the BS degree graduates have provided teaching services to their own or surrounding tribes, and those currently working toward a Master's degree or who have received a Master's degree plan on continuing their services to their tribes.

The following budgetary data indicates the drastic funding cuts that have taken place since 1976. Obviously the success of the program and its impact is seriously curtailed by continued axing of funds:

1984 to 1985	$150,963
1983 to 1984	100,648
1982 to 1983	170,888
1981 to 1982	139,213
1980 to 1981	258,635
1979 to 1980	242,471
1978 to 1979	268,095
1977 to 1978	256,423
1976 to 1977	266,863

E. BUREAU OF INDIAN AFFAIRS—DAY SCHOOLS

Facilities management

At the Northern and Southern Pueblos' Day Schools the majority of the facilities are in need of constant maintenance and repair. There are insufficient funds to meet the ever increasing needs. Due to increased costs for utilities and operations, the custodians assigned to these schools must in many cases be furloughed for a period of three months. Especially in the Northern Pueblos Agency, many teachers and educational staff also serve as custodians. It is estimated that approximately $60[illegible] would be needed at the Southern Pueblos Agency and $50,000 at the Northern Pueblos Agency to have custodial and maintenance staff on a full-time basis.

Distribution of appropriated funds

One of the most critical needs for our Bureau of Indian Affairs funded schools and other education programs is to receive distribution of appropriated funds intended to support schools and programs on a timely basis. It makes planning extremely difficult when funds are distributed late in the fiscal year. Forward funding and carryover provisions were included as Title V, the Indian Education Amendments of 1984 and approved by the President on October 18, 1984. However, the Senate Appropriations Committee has passed a one-year rider prohibiting the expenditure of funds to implement the statute. This would have allowed schools and programs to know what their allocations are at a much earlier date. The Appropriations Act also contains language suggesting that forward funding is not necessary because the Bureau has established an earlier date for the official count week for Bureau of Indian Affairs funded schools. However, the real problem is the timing of the fiscal year, not the count week. The current Bureau of Indian Affairs system is not compatible with the needs of Bureau of Indian Affairs schools particularly regarding certain aspects of the procurement system. The fiscal year ends when the new school year begins which causes problems with cut-off dates for procurement.

Title V Provisions

The Title V provisions are now law but as stated above there is a prohibition of expenditure of funds to implement them. Major provisions in the new statute include:

a. forward funding and carryover of funds (as mentioned in the previous paragraph);

b. Indian School Equalization Program revisions (which are sorely needed by Bureau of Indian Affairs funded schools);

c. restrictions on school closures;

d. new procedures for establishing school boundaries;

e. control of facility maintenance funds by the Agency Superintendent for Education or Area Education Program Administrator;

f. control of Bureau of Indian Affairs education facilities by the Office of Indian Education Programs;

g. separate funding for Bureau school board training, meeting expenses and costs of membership in school board associations;

h. proration of pay and stipends for Bureau employees who perform overtime work; and,

i. authority for Agency Superintendents for Education to waive up to 90 percent of the rental rate for educators at Bureau of Indian Affairs schools subject to school board approval.

This legislation contains most of the provisions which local school boards have requested but because of the Senate Appropriations Committee's rider prohibiting the expenditure of funds to implement the statute, they will remain unimplemented.

School Board Training

The policy of local Indian control of Indian Education is legislated in Sec. 1130 of Public Law 95-561. If this policy is to become effective, it is imperative that local school board members receive ongoing programs of training and technical assistance. Therefore, such training and technical assistance must be funded on an ongoing basis and be provided in a timely manner to meet specific training needs of the boards.

Public Law 98-377

Public Law 98-377, the Education for Economic Security Act, was recently signed into law. This law will provide funds for the improvement of the quality of mathematics and science teaching and instruction. Bureau of Indian Affairs funded schools and included in this piece of legislation. We want to thank the Congress for recognizing this great need and for including Bureau of Indian Affairs funded schools in this legislation and want to encourage the Congress to continue adequately funding this legislation for it to make a difference in our schools.

Indian Juvenile Alcohol and Drug Abuse Prevention Bill

Representative Tom Daschle of South Dakota and Representative Doug Bereuter of Nebraska have drafted a bill which will require Bureau of Indian Affairs and the Indian Health Service to coordinate programs dealing with the prevention, identification, treatment and follow-up care of alcohol and drug abuse. The proposed legislation would require specific programs to be operated in Bureau of Indian Affairs schools. We encourage and support the passage of this well-thought out legislation.

F. OTHER EDUCATIONAL ISSUES

The following are other educational issues that require immediate attention:

Introduction

Today, there is great urgency to focus attention on the educational needs of Indian children. A brief profile of Indian students in New Mexico would show that Indian students score lower on achievement tests than any other group. Many Indian students enter school with limited English proficiency. The drop out rates in New Mexico are double those of Anglo students. A sizeable number of students enroll in post-secondary schools, but many leave after their first year to return home to reservations where there is a high unemployment rate. There is a lack of parental involvement in the schools and little representation on local school boards. There is a limited number of Indians in the classroom teaching or in administrative positions. At the same time federal monies have been rapidly decreasing.

Funding for Gifted and Talented Indian Students under Public Law 95-561

Traditionally, education programs for Indian children have been remedial and focused on children with learning problems. For the past three-years, we have successfully implemented an Accelerated Learning Program under Title IV-A. However, as a result of an administrative decision to promote fiscal responsibility, it had been proposed that Title IV be terminated by FY 1984. Perhaps the assumption is that the Bureau of Indian Affairs will accommodate our gifted children, but this has not happened. There is a line item under Public Law 95-561 for the gifted and talented, but it has never been funded. Therefore, a permanent solution to this problem would be to fund this line item utilizing the Special Education weight factors under the Public Law 95-561.

Cost of Living Increases

The purpose of Public Law 95-561 is to distribute Indian Education funds that are generated by student enrollment. Unlike the majority of Federal Programs, such as Social Security, the formula does not incorporate cost-of-living increases. As the cost of utilities and prices increases, the amount of funds generated by enrollment has remained the same or even decreased. It is our recommendation that Public Law 95-561 be amended to include a built in cost-of-living computation. This measure is essential if contract schools are to remain solvent. As of now, contract schools salaries are not competitive with Bureau, Public, or Private schools.

Summary

We, of the All Indian Pueblo Council and its affiliated leaders, strongly urge you to assist our education efforts. We are at a point in this country where the public consciousness has arrived at educational issues. We ask that you advocate for Indian education to achieve a level determined by the consciousness of Indian educators comparable to that of the emerging public view.

Mr. Chairman and members of the Committee, we are depending on you to be our advocate in representing our interests. Thank you.

ALL INDIAN PUEBLO COUNCIL 1983 RESOLUTION NO. 24

Whereas the nineteen Pueblo Governors representing the nineteen Pueblo Tribes of New Mexico, Acoma, Cochiti, Isleta, Jemez, Laguan, San Felipe, Sandia, Santa Ana, Santo Domingo, Zia, Zuni, Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Taos, and Tesuque, have discussed the proposed changes in the distribution of Johnson O'Malley (JOM) funds; and,

Whereas the JOM Program has served as the foundation for equal educational opportunities for Indian children attending state public schools; and,

Whereas there exists a national outcry and demand for a more equitable distributon of limited JOM funds among the various Indian tribes in this country; and,

Whereas the All Indian Pueblo Council, after consultation with the various directors of JOM programs, Indian Education Committee tribal representatives, and the All Indian Pueblo Council Health and Education Committee, regarding the various funding formulas has determined that the interest of the nineteen Pueblo Tribes would best be served by a united position.

Now, therefore, *Be it resolved*, That the All Indian Pueblo Council, in conjuction with the various Indian Education Committees for JOM programs does hereby adopt and strongly recommend the following distribution formula for all JOM funds.

Be it further resolved, That the Chairman of the All Indian Pueblo Council is hereby authorized to advocate and distribute the following position of the nineteen Pueblo Tribes to all appropriate BIA officials, tribal governments, and the Congress of the United States: "That the funding formula for the Johnson O'Malley distribution of funds be the State actual average expenditure per pupil times 8% for every student participating in Johnson O'Malley.

CERTIFICATION

I, the undersigned, as Chairman of the All Indian Pueblo Council, do hereby certify that the foregoing Resolution No. 24 was passed at a duly called meeting of the All Indian Pueblo Council, held on the 12th day of September, 1983, at which time a quorum was present, with 16 voting for, 0 voting against; and 0 abstaining.

DELFIN J. LOVATO, *Chairman.*

Attest:

JOSE S. LENTE, *Secretary.*

Senator DECONCINI. I am going to take the last two witnesses together. Edgar B. Walema, chairman, Hualapai Tribe, Peach Springs. Please come forward. Hubert G. Denny, superintendent, Tuba City Unified School District. Is he here?

AN UNIDENTIFIED VOICE. I wish at this time to submit a statement I prepared. Unfortunately Mr. Star took all my time.

Senator DECONCINI. If you will, leave your statement here. Do we have that statement? I am sorry we did run out of time. If you will leave that with us, I will put it in the record and I apologize for the time restraints. Thank you.

Senator DECONCINI. Mr. Walema, please proceed.

STATEMENT OF EDGAR B. WALEMA, CHAIRMAN, HUALAPAI TRIBE

Mr. WALEMA. Thank you. Senator DeConcini, the Indian Select Committee, tribal leaders, ladies and gentlemen. Due to the contraint of time, I have my written testimony before you. I want to make some comments and if there are any questions that you would like to address to me, I would go that route and make sure that you get out of here by 12 o'clock.

I am going to be very greedy in a sense that my testimony is going to be involved with my tribe as far as the education aspect of this hearing.

The two main concerns that I want to address at this time is the closure of the Indian schools and the Johnson O'Malley Program.

As you can see, the reasons that I have before you is why I think I would like to see the Indian schools in their continuation.

The Johnson O'Malley Program was cut, as has been addressed. If we are going to continue with public schools for Indian people, especially with mine because I am so remote and all of my people do not have the capability of sending their students to public schools where we are going to public schools and so forth, if we are going to continue that, we would like to have the Johnson O' Malley funds reinstated where the cuts will be very pressing to the parents.

I wanted to say by way of closing that Indian tribes are always looked at as begging for money, begging for funds, and begging for handouts. I do not think that is the case where we have the trust responsibility from the Federal Government. We would like to see that continued.

All that has been said here by the Tribal Council. We concur and support the testimony that has been presented here today. Thank you.

Senator DECONCINI. Thank you, Mr. Walema. I want to reiterate that I concur completely, that it is demeaning to the native Americans to be in a situation in which they feel they are begging. There is a trust responsibility by the U.S. Government—that is all the people, native Americans and non—to meet that trust responsibility and self-determination in education. I sympathize with your feelings and I do not consider anyone here begging.

I am pleased that you have taken the time to bring that to the attention of the committee, that because of the cuts and the failure to meet that responsibility by this administration and previous administrations it certainly does not give you a great confidence that things are going to get better. Your testimony is going to be very helpful to us. Thank you.

Your prepared statement will be entered in the record at this point.

[The prepared statement follows:]

PREPARED STATEMENT OF EDGAR B. WALEMA, CHAIRMAN, HUALAPAI TRIBE

Thank you, Senator DeConcini, the Indian Senate Select Committee, Tribal leaders, Ladies and Gentlemen.

On behalf of the Hualapai Tribe, it is my privilege as the Chairman of the Hualapai Tribe to be afforded an opportunity to address some concerns. Although, we do have many tribal issues I would like to dwell on two major concerns at this time. They are closure of Indian Schools and the Johnson O'Malley Program.

The one Major Issue that concerns all of us is that of education. The Indian Nations have always voiced that education is a priority. Yet, we sit back and let the Reagan Administration continue to slash education funds for Indian children, and close doors of off-reservation boarding schools. Stewart Indian School, Intermountain Indian School and now others are considered to be on the chopping block, regardless of whether we have voiced our priorities. Congress still continues to cut away at very crucial programs that we as Indian people consider to be a priority.

Johnson O'Malley, the oldest of Public Laws concerning Indian Education has suffered its share in cuts. Fiscal year 1985 we are receiving $120.00 per student compared to $127.00

Since the blockage of the construction of Hualapai Dam and the bypass of I-40. The Community of Peach Springs located along U.S. Highway 66 is experiencing a major economic crisis today.

The major economic sector of the reservation is federal, state, and tribal government service agencies employment. There are no private enterprizes, no major corporation, or major development for employment. Due to this the unemployment rate is high at 69%.

The potentials of establishing a High School on the Hualapai Reservation is perceived as unfavorable now and in the future. Our High School students are bused out to; Seligman High School which is 35 miles East of Peach Springs and/or to Kingman High School, 50 miles. The mileage is for one way, roundtrip is 70 miles and 100 miles.

Due to the high unemployment rate some of our students are drop-outs; because of the parents not being able to pick-up their expenses.

We understand that Phoenix Indian School is subject for closures in the near future. Under the trust responsibilities we have always looked at the Indian Schools for educational support from the Federal Government. But now what will become of us reservation people? If the Federal Government does keep closing Indian Schools we need to re-instate monies back into the JOM Programs for our High School students in the Public Schools.

By way of a closing statement. I want you to understand that I am not here begging for handouts. I want the Federal Government to live up to its Trust Responsibilities. Otherwise, how will the Indian people make a come about of self-sufficiency and self-determination that the Great Mighty White Father in the White House speak so much as Government to Government relationship. The Hualapai Tribal Council will concur and support all that has been presented here today. Thank you.

HUALAPAI TRIBAL COUNCIL

The Honorable Senator Dennis DeConcini: We, the Community of Peach Springs, Arizona, strongly protest the closure of Phoenix Indian High School. Due to the high rate of unemployment on the Hualapai Reservation and other Indian communites, many families cannot afford to keep their children at home to go to school at Public High Schools. The Phoenix Indian High School offers extra-curricular activities and a Sports program for its students, where the local Public Schools in our area are 50 and 37 miles away from Peach Springs. Phoenix Indian School does offer a High School education to many students who cannot afford Public Schools.

We strongly protest the closure of Phoenix Indian High School.

[The above petition language was accompanied by 169 signatures of the Peach Springs, Arizona community and are retained in the files of the committee.]

Senator DECONCINI. Mr. Denny.

STATEMENT OF HUBERT DENNY, SUPERINTENDENT, TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15, TUBA CITY, AZ

Mr. DENNY. Thank you. Good morning, Senator DeConcini and members of your staff.

I would also like to express our graditude to have the opportunity to come to Phoenix so that many of us here today could provide our testimony and thoughts. You also have my testimony in front of you, so I am just going to make some statements.

I am the superintendent of the Tuba City Unified School District, No. 15. Our district is an Arizona State school district located on the Navajo Reservation at Tuba City approximately 75 miles north of Flagstaff, AZ. Over 95 percent of our district's approximately 3,400 students are American Indians of the Navajo and Hopi Tribes.

Today I will simply address aspects of title IV. There were other concerns of the Bureau of Indian Affairs elementary and secondary education programs that I wish to discuss but I realize that will have to take place at another time.

At this point, though, there is one aspect that I would like to call to your attention and that is the aspect of that particular legislation, section 1124, paragraph D, where it talks about the boundaries. I would specifically state that you should add a clause right after, "each superintendent for education coordinate and consult with the affected tribes," to read the superintendents of the local public schools, county superintendents, State Department of Education, in the establishment of such geographic boundaries. I do so because I feel there would be careful planning and the overlapping jurisdiction and also cut down a lot of duplication of school systems, therefore, adding to the cost of educating the American Indian students.

On title IV programs, our major concern in Tuba City has well been repeated by a number of other people here today. There should be adequate and suitable funding for the particular program that has been in place. We certainly have participated since 1973. In fact a number of interesting things concerning the acceleration and the advancement of the academic pupils have certainly gone on record and I will provide in this a detailed record out of these components.

The other aspect is that the parent involvement aspect is wanting to be eliminated. To me, as an educator, I believe, as many others have said here, that parent involvement is the most single important factor in the success of a child at school. You can have the best teachers, the best plant, the most dedicated administration, but if parent involvement and motivation is not there the children will simply not do well. We do feel that the parental involvement, its continued support in the program, is very vital if we are going to go a long way to accelerating and improving the academic improvement of the children enrolled in our schools. We do feel that that is very important.

Also, I am going to make the statement, quoting from the Coleman Report on quality of educational opportunities, that says schools for the disadvantaged pupils need to be better than ordinary schools if they are to redress the inequality.

We have been talking about funding. I guess that is the aspect. When we are talking about, I do not know. We have to go out and beg for the funds. There seems to have been a decrease. I would assume that Congress is making education not its priority and I assume that is why you are here. There should be very comprehensive financial services to the American Indian People so that we do not have to continue to go through these situations where we feel we are having to come with our hands out. The funding should be adequate but it should be consistent to provide that.

While we are talking about equalization, I am very pleased with the Tuba City public schools and the services they provide. Here in our own State we have the problem of the State using the equalization formula. Quoting from Coleman and other researchers that, while in fact we have the same level of funding as other State school systems in the State of Arizona, that in fact is not enough and insufficient funds because of the children being disadvantaged. Therefore, the funding level needs to be at a higher level. That is why we do look forward and do have to participate in programs such as title IV, to supplement those types of moneys, and indeed I can say that that is enough.

Again, I want to thank you for coming here this morning and giving us a brief opportunity to testify before this committee.

Senator DECONCINI. Mr. Denny, thank you.

Your prepared statement will be entered in the record at this point.

[The statement follows:]

PREPARED STATEMENT OF HUBERT DENNY, SUPERINTENDENT TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15, TUBA CITY, AZ

I am the Superintendent for the Tuba City Unified School District No. 15. Our district is an Arizona state public school district located within the Navajo Reservation at Tuba City, approximately 75 miles north of Flagstaff, Arizona. Over ninety-five percent of our district's approximately 3,400 students are Indian.

The main topic which I will address today is the operation of the Title IV Program in our district and the needs of our district with regard to that program. Before I talk about the Title IV Program, however, I do wish to make a few brief comments concerning the Bureau of Indian Affairs Elementary and Secondary Education Programs. More specific discussion of the relationship between the Bureau of Indian Affairs' educational system and the Arizona state public school system on the Navajo Reservation must necessarily await another time and setting.

Our public school district in Tuba City tries to maintain a close and cooperative working relationship with the Bureau of Indian Affairs' educational program. Tuba City is the site not only of our public school but of a separate Bureau of Indian Affairs Elementary School and Junior High School. In addition, the Tuba City High School is jointly operated, pursuant to a somewhat unique agreement between the public school and the Bureau of Indian Affairs. That agreement results in the division of duties and responsibilities for the education of Indian children in the Tuba City area.

Although we are pleased with the working relationship we have enjoyed with the Bureau of Indian Affairs schools over the years, we do wish to observe that in some instances the existence of two separate but parallel educational systems results in a certain amount of duplication of effort and waste of resources. At some future time, we hope that the questions of overlapping attendance boundaries, unnecessary competition between the systems, and the underlying philosophies of the Bureau and public school systems can be discussed.

As we also indicated in our request to speak before this Committee, our district has a number of other federal issues which it wishes to address. In the interest of time and in consideration of the specific purposes for this hearing, we will defer mention of those issues for another time and place.

TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15 AND ITS STUDENTS AND PARENTS HAVE A CONTINUING NEED FOR THE TITLE IV PROGRAM

The Tuba City Unified School District has participated in the Supplemental Indian Education Program authorized under Public Law 92-318 (the Indian Education Act) since its inception in 1973. Our district has a number of special needs which in part are met by the benefits which it receives from the Title IV Program. For example, our district must transport its students from a vast geographical area of approximately 3,650 square miles. Approximately ninety percent of the total student body is transported daily over unimproved, unpaved roads. Our district maintains a fleet of some 50 buses to cover approximately 4,000 miles daily during the school week or a total of approximately 143,000 miles per school year.

Many of the students in our district grow up in homes where English is spoken only as a second language, if at all. Tuba City's Native American students live in homes which often lack the material and economic advantages available to students in non-reservation schools. Tuba City School District bears the burden of compensating for the language, cultural, material and economic disadvantages of its students. Our district incurs considerable additional educational costs for bilingual and remedial education related to the particular cultural background of our students.

Since its beginnings, the Title IV Program has done much to improve educational opportunities for Indian students in our district. The progress being made by the district Title IV Program and the students and parents active in it was documented in the independent evaluator's closing remarks in the 1983–84 external evaluation of the district's Title IV Program.

"Schools do not pass or fail evaluations. Some programs are just more successful than others. Hence it is appropriate that the evaluation identify factors that produced greater successful programs. In the conduct of this appraisal instances were observed where a staff member appeared to 'go out of his/her way' to help students with understanding and encouragement that is not found in the reports. Hence a stable and caring staff that serves as viable role models are a tremendous asset. Other factors include:

"An Indian Cultural Center from which to promote most of the Indian cultural and culturally related activities;

"The close cooperation and assistance given by the school personnel in promoting major projects;

"An active and involved Parent Committee that shares in development and decisions pertaining to components and activities; and

"A highly supportive school district. Tuba City Public Schools fit the description identified in the Coleman Report (Equality of Education Opportunity) that said 'schools for disadvantaged pupils need to be better than ordinary schools if they are to redress the inequality.' "

The Title IV Program has been instrumental in bringing the Tuba City parent community into the mainstream of school activities. The Tuba City Parent Committee has shown a great depth and breadth of interest in carrying out its prescribed duties. A majority of the members of the Parent Committee are non-English speaking. Consequently all meetings and converations are interpreted from English to Navajo to English. Tuba City parents now take a more vigorous role in shaping the education of their children. The Congressional intent of Title IV to allow parents to effectively participate in the planning, development, implementation and evaluation of the program has been realized.

The activities of the Parent Committee have been defined in the first instance by that committee have been defined in the first instance by that committee, which has drafted its own Bylaws and determined its precise role within the law. This parental involvement is one of the Title IV Program's strongest points and should remain intact in the law as Congress originally intended. Title IV has made it possible for Tuba City parents to take a greater interest in the school and their children's education.

Also significant over the last decade is the increase to its highest level in academic achievement of the Indian students in the district. The Part A portion of the Title IV Program has been responsible to some extent for the increase in achievement. Although the impact of the program cannot be determined precisely and gains cannot be calculated in terms of exact dollars spent per year, it is clear that the program is bringing about the desirable effects intended by Congress. The title IV Program is doing some specific things to accomplish this academic improvement.

For example, academic remedial tutors and specialists have been assigned and are developing individualized education programs for selected target students who need remediation in language arts and math and similar subjects. In addition, summer school sessions are held which provide remediation for students in basic subject areas. Further, home school representatives have identified and developed case studies for students who have been chronically absent. The home-school representatives then work with a selected number of students to cure the causes for the absences and increase the chances for academic improvement of the students. Case studies [illegible] are developed on each student which allow the home-school representative to monitor the progress of the student. Increased counselling is made available to the students as a result of Title IV.

The Title IV Program also has contributed to an increased cultural self-awareness on the part of the district's Indian students and their parents. Under the auspices of the Title IV Program, an American Indian Day and Awareness Week are held. Appropriate awards are given on this occasion. An Indian Youth Leadership Program also is sponsored through Title IV. Some Title IV funds are used for student Indian clubs.

Cultural resource consultants are retained through the Title IV Program. These consultants most often are traditional Indian people with knowledge of Native American language, customs and skills. Important cultural traditions are transmitted from the elders to the Indian students through these consultants.

CONCLUSION

The Tuba City Unified School District No. 15 has no objection to combining various components of the Title IV Program into one comprehensive program. The district does wish to express its grave concern that the resources made available to the program by the federal government be increased. Over the past few years, the enrollment of the district has at least remained stable. At the same time, the amount of funds made available to the district has declined steadily since 1982. Obviously to the extent that fewer funds are available to assist the same number of students and parents, the Title IV Program is weakened and the good it does is lessened. Therefore, the Tuba City Unified School District No. 15 earnestly requests that this committee do everything within its power to see that the Title IV Program is maintained and that the level of funding is increased. Continued funding cuts will reverse the substantial progress which the Tuba City Unified School District has made with the help of the Title IV Program.

Thank you.

Senator DECONCINI. The record will remain open for 30 days. We welcome additional testimony from you or anyone else.

We want to thank the chairman of the committee and the ranking members and the staff, particularly Mr. Alexander. Senator Andrews has been most helpful in providing the resources as has the staff been, particularly June Tracy of my office. I also want to pay particular appreciation to Katy Stevens, the Arizona Department of Education, John Lewis, Intertribal Council of Arizona; Benjamin Barney, the Navajo Association of Contract Schools; Patrick Graham, the Indian Public School Association and Verner Duus, Navajo Area School Board, for their assistance in these hearings. I think they have been most constructive and we appreciate all the witnesses, their time, and their efforts. We have a lot of information that will be reviewed carefully and hopefully we will have something positive come out of some of these hearings and we welcome hearing from you in the next 30 days also.

The hearing is adjourned.

[Whereupon, at 12 noon, the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED TESTIMONY OF JOY J. HANLEY, EXECUTIVE DIRECTOR, AFFILIATION OF ARIZONA INDIAN CENTERS, INC.

My name is Joy J. Hanley and I am honored to be able to submit a statement on behalf of the Affiliation of Arizona Indian Centers, Inc., concerning Title IV of the Indian Education Act. My comments will address Part C of Title IV and the Resource Centers.

In 1974, AAIC began operating CETA programs for Indians residing off-reservation in certain designated Arizona counties. The ultimate goal of the program was to find employment for the Indian participants. AAIC staff developed a program that included urban survival skills, resume writing, job-interview techniques, and other skills needed to find jobs. The results, however were less successful than had been hoped. The success rate of Indians finding employment remained very low. Thus, a demographic study of AAIC participants was undertaken to identify commonalities among participants that would identify reasons for failure in finding employment. The study was entitled The Relationship of Traditionalism - Modernism to the use of social services by the off-reservation Indian population (ASU, May 1980). The study concluded that Arizona's Indians continue to maintain the lowest educational level of all ethnic groups within the state. Findings of the study were further substantiated by an assessment of 697 adult Native Americans who received employment-related services from the Affiliation of Arizona Indian Centers during the period 1981 through 1984. The assessment provided a profile of adult Native Americans characterized by a high school drop-out rate of 49.6 percent (AAIC JTPA/CETA Annual Status Reports). This rate is substantially higher than that of any other ethnic or racial group in the state of Arizona. Moreover, estimates of grade levels of education attained by all Indians residing in Arizona range considerably lower than those for non-Indians in the state as a whole. A recent report from the Arizona Office of Economic

Planning and Development, reveals only 21.9 percent of heads of Arizona Indian families are high school graduates (Critical Issues in Indian-State Relations, 1981). Conversely, over 3/4 or 78.1 percent of heads of Ariozna Indian families are not high school graduates. A 1984, Arizona Department of Economic Security (DES) report reveals an Indian civilian population (16 years through 19) of 7,483 who are not enrolled in school. Out of this total, DES reports that there are 5,352 who have not graduated from high school, or 71.5 percent (Annual Planning Information Report).

The previous information is based on statistics from the State of Arizona. The following information is derived from a study conducted among adult American Indians and Alaskan Natives in 1980-81, entitled Policy Implications of the findings of "The Status of Educational Attainment and Performance of Adult American Indians and Alaska Natives". In it, Dr. Jim Fortune presented the following findings:

> 78 percent of the Indian population fall below what is considered as acceptable performances in health information compared to 55 percent of the U.S. population.
>
> 63 percent of the Indian population fall below what is considered acceptable performances in knowledge of community resources compared to 45 percent of the U.S. population
>
> 75 percent of the Indian population fall below what is considered as acceptable performances in knowledge of law compared to 71 percent of the U.S. population
>
> 69 percent of the Indian population fall below what is considered as acceptable performances in consumer education compared to 54 percent of the U.S. population
>
> 66 percent of the Indian population fall below what can be considered as acceptable performances in occupational knowledge compared to 45 percent of the U.S. population

In his report, Dr. Fortune also presented the following findings on Indian performance levels for basic skills associated with formal education:

48 percent showed a great need of remedial adult education

Nearly 50 percent showed a great need for remediation and basic skills development in writing

48 percent showed a critical need for remediation in problem-solving skills

Nearly 49 percent displayed a great need for remedial instruction in reading

Overall, Dr. Fortune found that there were more than three times the number of Indians, percentage-wise, as there were members of the norm group of the study showing great need for all aspects of adult education (Indian Adult Education Study summary Paper, 1980-81).

According to the Arizona Department of Economic Security (DES), the unemployment rate for Arizona's Indian population consistently has been almost three times the rate for the entire state since 1980 (Indian Economic Indicators, DES, 1982). The Phoenix Indian Center, moreover, reports that in October, 1984, the unemployment rate for Indians residing in the Phoenix metro area was 35 percent when the unemployment rate overall in Phoenix was 3.5 percent. Regardless of which statistics are utilized, the effects are devastating and represent a tragedy for the Indian adult and his or her family.

Low educational attainment among Arizona's Indian adult population continues to result in high unemployment and is compounded by the lack of available training and educational opportunities for the adult Indian population. There are a variety of non-Indian adult education programs which are GED but these do not meet the needs of the majority of the adult Indian population. AAIC has found that in off-reservation areas Indians rarely enroll in non-Indian adult education programs due to several factors: language barriers, cultural differences and the difficulty level of GED classes. Formal, GED instruction is at grade levels 10, 11 and 12; the majority of adult Indian students do not possess reading levels sufficient to receive instruction in those classes. According to the results of a placement test administered by AAIC in 1981 and 1982, 60 percent of the adult education students or 102 out of 172 students tested were at the Pre-GED level (below grade 9). Moreover, approximately 30 percent of the AAIC adult education students enrolled in the program in 1984 tested are enrolled at the ABE level of grades 3, 4 and 5. The Affiliation, in its study of Indian adult education, also discovered that there is a lack of basic skills materials needed for all grade levels of adults. Indian adult education programs nation-wide were contacted, and it was discovered that although there is a variety of supplemental materials available, there is a need to fund the development of basic skills curricula for literacy acquisition among Indian adults as well as for ABE, Pre-GED and GED materials that are interesting and relevant. If Title IV, Part C services for adults is to continue, then it is essential to provide these programs with the materials and curricula essential to make these programs successful. The curriculum development process should include systematic planning, pilot testing and dissemination of the curricula. Most essentially, the materials should be tested to insure reliability and validity. This can be accomplished through funding of Title IV, Part C Planning, Pilot and Demonstration curriculum development projects. Title IV, Part C is of utmost importance to the Indian adult and family. Part C in the past has received the least amount of funding, yet the adult recipients of the program are the parents of Indian children trying to attain an education. Parents need the education so that they may be more understanding of their role and the importance of an education. The lack of an education in the adult Indian population is reflected in many ways; excessive health problems, legal problems, consumer problems, and high unemployment rates, all of which greatly exceed the rates for the general population. The eligibility criteria for Indians to participate in Title IV programs has enabled educational services and programs to reach Indians wherever they may reside. Title IV is the only program nation-wide that attempts to address the education of all Indians at all levels in the United States. It has been extremely effective, but as the statistics point out there is still much to be accomplished and Title IV is necessary. It can logically be assumed that one of the factors contributing to the high drop-out rate of Indian students may be the low educational level of many Indian parents. Continuation of Part C is essential to the education of all Indians and Alaskan Natives in the United States. Allied with the continued funding of the title IV, Part C programs should be the continued funding of the Resource Centers which serve these programs.

My comments concerning the Resource Centers are brief. The centers, Since their development, have been extremely helpful. Their role in providing information and technical assistance to programs has been invaluable. Because of the centers' proximity to grantees in their regions, information and technical assistance is delivered promptly and cost-effectively, often through a local telephone call or an on-site visit. All Title IV programs will benefit from the continuation of the five regional Resource Centers.

In closing, I would like to recommend that in the reauthorization of Title IV, Indian preference in hiring of staff for Title IV programs and for the Office of Indian Education in Washington, D.C. be inlcuded. It is essential to the success of the programs that they be administered by a staff that understands and knows the Indian people. This is best accomplished through Indian preference.

Thank you for allowing me to submit my comments.

PREPARED TESTIMONY OF JAMES LUJAN, CHAIRPERSON, ALBUQUERQUE PUBLIC SCHOOLS TITLE IV PARENT COMMITTEE

My name is James Lujan, currently chairperson of the Albuquerque Public Schools (APS) Title IV Parent Committee. I appreciate the opportunity to submit this written testimony on behalf of the APS Title IV Parent Committee.

Indian parents are appreciative of the fact that Title IV was enacted to meet the special educational needs of Indian students by providing financial assistance to local educational agencies (LEA's) to develop and carry out elementary and secondary school programs. One of the basic strengths of Title IV is that LEA's are required to provide for parental input relative to program development, implementation, monitoring, and evaluation. Each application must provide these assurances.

We present here the summary of our input relative to Title IV, together with the conceptual framework and recommendations. While the subject of our input is Title IV our recommendations can be applied to educational issues affecting Indian Education. The definition and implementation of a good educational system is a problem for all. We do not perceive Indian Education "catching up" to non-Indian education, but rather that opportunities must be available so that Indian Education can forge ahead and serve as a model for all education programs. We stress that an adequate basic education be defined and guaranteed through the use of basic support money and compensatory programs. This is an education issue that must be resolved before the specific educational goals of Indian people can be pursued. There is both serious overlap among the programs and general confusion as to what program serve what purpose and for whom.

We find that there are many reasons educational goals cannot be agreed upon especially in working with school staff and parents. First of all, there is no objective criterion for measuring educational effectiveness; one staff person's expert opinion becomes another person's selfish decision. And secondly, due to frustrations the parents agree with whatever the final outcome may turn out to be. We think the parents, students and concerned citizens be the final judge of educational effectiveness. Parents should be allowed to implement its educational goals and judgements. This requires control, rather than mere advisory status. At the LEA level, not only is management weak in understanding Indian Education, but strong management detracts from program success. The LEA representative in attempting to improve its management practices, hinders rather than to help the Indian parent committees in achieving their educational goals.

We also think that parent committees are often indequately informed of their own programs, as well as other programs and do not coordinate their activities with other parent committees in the school system. Due to lack of funds for parental training, school staffs are not readily available to provide the orientation, training and coordination.

Lastly, the Indian Education administrators together with Indian parent committees should conduct research that concentrates on developing management tools for schools. Unbias evaluators must be utilized to recommend new approaches that provide for output of schools in terms of performance in reaching goals. Standards must be set not only in terms of the factors in the process, but also in terms of the desired outcomes of students, parents, and community.

Testimony-James Lujan, Page 3

In summary, the following recommendations are offered relative to this testimony:

1. Management of Title IV must be structured to focus on effectiveness rather than narrow compliance; on problem-solving rather than self-maintenance.

2. Management of Title IV must be organized relative to a well-thought out education plan to accomplish goals and objectives recommended by parents, students and teachers.

3. There must be a single Indian Education Parent Council (IEPC) that will give clout to Indian Education in the school system. Existing Indian Parent Committees representing specific programs will make up the single IEPC.

4. If it is demonstrated that the LEA is not responsive to the needs of the Indian parent committees, funds should be handled by a unified IEPC in the community.

5. Funds must be available to Indian Parent Committees to attract and motivate parents to attend meetings and training.

6. A well-thought out evaluation plan that provides for unbias external evaluators rather than bias internal evaluators must be available.

7. There must be an annual nation wide meeting of all Indian parents and student representatives to demonstrate that Indian parents do have a voice in the education process of their children. NOTE: Albuquerque Public Schools Indian Parents Council (IEPC) would be honored to host such a meeting or conference.

Again, thank you for the opportunity to submit this testimony.

James Lujan

11/28/84

Ft. McDowell Mohave-Apache
Indian Community
P.O. Box 17779
Fountain Hills, Arizona [illegible]

TESTIMONY OF THE FORT MC DOWELL TRIBE

FOR THE SENATE SELECT COMMITTEE

HEARING ON INDIAN EDUCATION

The Fort Mc Dowell tribe would like to submit the following testimony protesting the elimination of all government funding for our early childhood education program. Funding in FY 1985 will not be forthcoming from the Bureau of Indian Affairs and provisions have not been made for replacement funds. Since 1976, funding has been $85,000 each year from the Bureau of Indian Affairs 638 Community Education Contract with supplemental funding from Chapter I Indian Education Act. The tribe contacted a K, Pre-K, and Parent Infant Program servicing 64 children. Alternative funding from Headstart was proposed for our early child hood program . Headstart funds cover three and four year olds who meet eligibility " low-income family " requirements. Of our 64 children currently in the school, 14 meet eligibility requirements. In Chapter XIII Office of Human Development Services, Department of Health and Human Services #1305.4 it states,"at least 90 percent of the children who are enrolled in each Headstart program shall be from low-income families." Fort Mc Dowell does not meet eligibility requiements.

Our tribe was informed that our long established school (the only educational facility on the reservation) would not be funded - we would be zeroed out in the budget. Since our tribe has a strong committment to education,we decided the school would never close - it is the tribes first priority. Funds for operation FY'85 are currently coming from the tribe treasury. The tribe is educating its children without government funding. A newly established Bingo operation is expected to provide revenues for school funds in the future.

Prioritizing education and a better life for their children has been a historical concern of the Fort Mc Dowell people. Prior to the formulation of the original proposal for the school, young children ran wild and loose on the reservation with parents having little control over their situation. Our children were dumped into first grade in a traditional primary school after a one hour bus ride away from their reservation home. They were expected to automatically compete with the children in the traditional primary setting. It is not surprising then, that the children from Fort Mc Dowell entering public school between 1967-1974 had an extremely high drop out rate with only 66% receiving high school or G.E.D. diplomas. The confusion and cultural shock of our Indian children is evidenced by the following data complied in September, 1983.

Fort Mc Dowell Children Primary School First Grade

Pass-Retention Performance

Year	First grade-new entrants	Passed	Retained
1967-9174	56 students	27	29
1974-1984 (Preschool began)	89	89	0

The retention rates, showing 100% retention after the preschool inception, reflects parental support and may also have future positive effects on the high school graduation rate.

Additional data (November 1983) shows that the Fort Mc Dowell program emphasizing a cognitive back to basics approach, had much positive impact upon successful performance in public school in the areas of Grammar (Language Arts), Math, and Reading. Fort Mc Dowell graduates scored above the national average in all areas and significantly above average in Grammar scoring at an 8 Stanine level. The Fort Mc Dowell early childhood program has prepared the young children to not only weather their encounters with public education but to enable many thrive in the majority society yet preserving their cultural heritage.

The Fort Mc Dowell Reservation is asking that finding be restored in 1985-86. Alternative sources of funding have proven inoperative. It should be emphasized that the Fort Mc Dowell program is a cognitively oriented curriculum with a back to basics focus on reading, math, language, science in a developmental experiencial approach to learning. Primary objectives include increased public school achievement and concurrent lowering of the drop-out rate.

GANADO UNIFIED SCHOOL DISTRICT NO. 20
GANADO, ARIZONA
86505

December 3, 1984

Senator Dennis DeConcini
Select Committee on Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Senator DeConcini,

It is with pleasure that I transmit testimony from our District in support of Title IV, Part A, of the Indian Education Act. We have also taken this opportunity to present to you and the Select Committee our requests for consideration of matters pertaining to the Johnson-O'Malley program and the continued funding of Public Law 815.

We, at Ganado, sincerely appreciate your assistance and support of Indian Education and your efforts in behalf of our District. We know you will continue to represent our best interests in Washington.

If you or the Committee should have questions regarding the areas to which we have spoken or should you need more in the way of information or data, please do not hesitate to contact or call us at (602) 755-3436.

Please accept our best wishes for a joyful Holiday Season for you, your family and your staff.

Sincerely,

Albert A. Yazzie

Albert A. Yazzie
Superintendent

TESTIMONY
IN THE MATTER OF
TITLE IV, PART A, INDIAN EDUCATION ACT PROGRAM

GANADO UNIFIED SCHOOL DISTRICT NO. 20
GANADO, ARIZONA 86505
(602) 755-3436

Submitted to the Select Committee on [illegible] Affairs of
the United States Senate at Phoenix, Ari[illegible], December 6, 1984.

Ganado Unified School District No. 20 is a public school district with kindergarten and grades one through twelve, located entirely within the Navajo Reservation in northeastern Arizona. The District serves the educational needs of approximately 1550 students, 98% of whom are Native American. The majority are enrolled in the Navajo Tribe, most of the others are Hopi. The five members of the Governing Board are Navajo as is the District Superintendent.

The Ganado USD has had an Indian Education program since 1972. During the 1984-85 school year, Ganado USD will receive approximately $187,000 in Title IV, Part A, entitlement funds. This year is the third of a three-year continuation grant and funding has fallen from a first year total of $223,000 to the present level. Obviously, the scope of the original program has had to be reduced. The program currently has two only major focuses, basic skills improvement and student counseling. Initially, the program contained components of a substantial nature for cultural development and Parent Committee involvement. Most of the Title IV funding for 1984-85 goes to personnel in the form of salary support. Certified counselors for the High School (9-12), Junior High School (7-8), and a shared position for the Primary School (K-3) and Intermediate School (4-6) as well as a shared paraprofessional position of Home Liaison for the latter two schools are provided. Two certified teaching positions for reading development in the upper grades are also funded.

The Indian Education Parent Committee of Ganado is recognized as a major factor in the successes the District has enjoyed during the last eight or nine years. The Parent Committee has been deeply involved in improving the educational programs of the District through monitoring and by attending and hosting regional meetings for specific educational purposes. The Parent Committee organized a positive community effort to bring funding from Public Law 815 to Ganado for the building of a new high school complex. The Parent Committee also serves the Chapter I program and maintains a very positive relationship with the Governing Board, providing input from the community and carrying information back to it. Two Parent Committee members will offer oral testimony before the Select Committee.

Indications are that through supplemental funding provided by Title

IV and other programs, the students of the Ganado schools are slowly but surely catching up with national achievement norms. Testing has shown that students have made significant gains, especially during the last four years, in achievement growth in all academic areas. However, there is still some distance to go to get to the national levels and to sustain them there. Partially through the support of counseling programs, the District's students have achieved very high attendance standards, sometimes reaching 96% on a monthly basis. Discipline connected with substance abuse has fallen to almost nothing. The more positive environment created by these attainments has undoubtedly contributed to the Primary School being recognized as one of the top ten schools in the state and to the participation of varsity athletic teams in state championship competition.

Given the composition of the student body, some portion of the District's budget is given to that area commonly called Indian Education, primarily in the social studies curriculum. However, the District's budget cannot really sustain the supplemental assistance afforded by the Title IV funds. If the Indian Education Act funding were to be done away with, there would really not be any way the District could pick up the costs of personnel or programs, which would mean that most, if not all, the Indian Education staff positions would be abolished. Thus, the District would lose the kind of programs through which it can specifically and effectively deal with the special educational and cultural needs of its Indian students.

The Ganado Unified School District, its Board, administration, staff, and, most importantly, its students, does earnestly and respectfully implore the United States Senate to continue the re-authorization of the Indian Education Act and its programs for Native American students and, just as important, to continue to appropriate sufficient funding to permit schools to operate programs which can effectively meet needs. The District stands ready to provide any additional information, data, or personal testimony which the Select Committee on Indian Affairs may feel necessary to provide in support of its request for continuation of the Indian Education Act.

TESTIMONY
IN THE MATTER OF
THE JOHNSON-O'MALLEY INDIAN EDUCATION PROGRAM

GANADO UNIFIED SCHOOL DISTRICT NO. 20
GANADO, ARIZONA 86505
(602) 755-3436

Submitted to the Select Committee on Indian Affairs of the United States Senate at Phoenix, Arizona, December 6, 1984.

The Ganado Unified School District No. 20, located on the Navajo Reservation in northeastern Arizona and serving some 1620 Native American students, is a recipient of Johnson-O'Malley funding through the Navajo Division of Education of the Navajo Tribe. In the past few years, there have been numerous delays in the receipt of funding which has led to disruption of programs and the temporary layoff of personnel.

The major problem with the Johnson-O'Malley program appears to lie in the fact that its funding allocation is tied to the current fiscal year of the United States Government, which has no correlation to the academic year of most schools, thus making the planning of new programs almost impossible as well as complicating the operation of continuing and sequential programs. There is also the possibility, if funding is not appropriated annually before September 30, of having to stop programs and terminate personnel two months into the school year, a rather traumatic situation.

In the opinion of the District, this problem could probably be solved through the rather simple expedient of having the Johnson-O'Malley program forward funded by one fiscal year. This would allow schools the lead time necessary to the planning and development of efficient continuing and new educational programs. It would also provide schools and administering agencies with knowledge of approximate funding levels which is very beneficial to both the planning and operational processes.

Therefore, the Ganado Unified School District does respectfully request that the United States Senate consider the appropriation of funding for the Johnson-O'Malley Indian Education program one fiscal year in advance of the present year. Further, we would request that this consideration take place during the coming Congressional session.

TESTIMONY
IN THE MATTER OF
PUBLIC LAW 815: SCHOOL CONSTRUCTION

GANADO UNIFIED SCHOOL DISTRICT NO. 20
GANADO, ARIZONA 86505
(602) 755-3436

Submitted to the Select Committee on Indian Affairs of
the United States Senate at Phoenix, Arizona, December 6, 1984.

The Ganado Unified School District No. 20 is located entirely on the Navajo Reservation in northeastern Arizona. It serves 1550 students, primarily Native Americans of the Navajo Tribe, in grades kindergarten through twelve. The District has four physical school units: High School (9-12), Junior High (7-8), Intermediate (4-6), and Primary (K-3). The District has utilized funding from Public Law 815 and the Public Works Act of 1976 to build permanent facilities for each unit. In fact, the District is in the process of constructing, with P.L. 815 funds, a new high school building on a site about five miles from the present campus to adequately house the number of high school students now in attendance.

While the District considers itself extremely fortunate in the receipt of funding for the new facility, it must also face the fact that the present Primary building is more than thirty years old and cannot, even now, house all its students within the permanent structure. Given even a future zero growth of population, the District still needs another facility capable of housing about 600 students.

The assessed valuation of the District, now set at about $7 million, declines about 10% annually as its only three taxpayers continue to mechanize operations, thus further reducing an already limited bonding capacity, incapable of supporting the cost of such capital construction.

Accordingly, Ganado Unified School District and other Reservation districts must look to the Congress of the United States for the support and appropriation of funding sufficient to meet the basic educational facilities needs of Native American students.

The District places in the United States Senate its greatest trust that the support of Indian Education will be continued through adequate appropriations to programs such as Public Law 815.

RECEIVED DEC 17 1984

MANY FARMS HIGH SCHOOL BOARD, INC.
Many Farms, Arizona 86538

December 3, 1984

The Honorable Mark Andrews
Chairman
Select Committee on Indian Affairs
U. S. Senate
838 Hart Building
Washington, D. C. 20510

Dear Honorable Chairman Andrews:

The Many Farms High School Board, Inc. has gone on record on December 3, 1984 to be in support of the Navajo Area School Board Association's testimony to the Senate Select Committee on Indian Affairs on December 6, 1984, in Phoenix, Arizona.

A copy of the subject matter is provided for you herein.

Sincerely yours,

Teddy Begay

Teddy Begay
President, Many Farms High School Board, Inc.

Enclosure:

cc: School Board Files & Members
School Principal, Many Farms High School
Agency Superintendent for Education, Chinle CIEP
Navajo Area School Board Association, Window Rock,AZ

TESTIMONY
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
OVERSIGHT HEARINGS
December 6, 1984
Phoenix, Arizona

Testimony of the Navajo Area School Board Association will address two main areas of concern. First, it will go through the current Code 25 U.S.C. 2001-2019 and identify areas where the Association believes that changes should be made in the law to make the system more workable. Second, it will address the 1984 amendments which were recently passed by the Congress and signed into law commonly known as Title V of H. R. 11. We have taken a critical look at the different provisions which were in those amendments for possible deletion or amendment.

25 U.S.C. 2001(c)

This is the section of the law which establishes state standards as a base which the Bureau standards are not to fall below. For various reasons this particular requirement is not advisable. First, there are many states where Bureau schools are located. To require a change in the state standards for each of those states is not particularly feasible. On the Navajo reservation there are schools located in three different states. The circumstance has occurred and will continue to occur where an individual is fully certified in the state of New Mexico and has taught in New Mexico Bureau schools for many years and then applies for a job in a Bureau school in the state of Arizona and finds that to be included on the certificate of eligibles he would have to go back to school for a period of a year or more.

State minimum requirements may or may not be in the best interest of education on the reservations. There is the possibility for the tribe to waive the established standards and develop its own revised standard. This possibility is also there for local school boards if and when authorized by the tribal governing body. We believe that the Bureau standards when they are developed will be very comparable to the standards of various states' system.

COMMENT: We do not believe that it is necessary or practical to utilize the minimum standards of every state where any Bureau school is located and would advise that this particular section be eliminated in its entirety due to the problems of implementation.

25 U.S.C. 2002(c)

This is the section which deals with national criteria for dormitory situations. This section is often included together with the minimum academic standards section and in fact does essentially the same thing for residential situations. Unlike the academic standards section, however, there is no provision for a waiver of these dormitory criteria by the tribes involved.

COMMENT: We believe that a provision more or less identical to the provision for the waiver of minimum academic standards should be included. There is no reason to believe that tribes might have a better idea in the area of academic standards but could not possibly have a better idea for the provision of services by dormitories. In fact, we believe that tribes and local school boards might very well make highly beneficial changes in the way that homeliving programs occur.

25 U.S.C. 2009(b)

This section deals with appeals of school board action by the local school supervisor or the school superintendent who may for good cause and in writing overturn the action of the local school board. Regulations which were developed pursuant to this section provide that the Bureau is to establish an appeal process for school boards when they believe that their actions have been overturned for other than "good cause." The Bureau had 180 days to develop this procedure. Such a procedure could have been very simple; however, the Bureau in over four years has still not come up with a draft for such a procedure.

Title V of H. R. 11 proposes extensive language on appeals to school board action, providing that the appeal by the school supervisor must be in writing and be provided to the school board and that the school board also will have an opportunity to give its side of the story to the school superintendent prior to the decision being made. No provision, however, is made for a subsequent appeal by the school board if they feel that the decision of the superintendent is arbitrary.

COMMENT: We believe that the standards should provide for such an appeal by school boards since this is in fact one of the problem areas in implementation of P.L. 95-561.

25 U.S.C. 2011(f)

This is the section which deals with the waiver of Indian Preference laws. As P.L. 95-561 was originally proposed this waiver was an all-encompassing one which was applicable to both employees and non-employees of the Bureau. The interpretation of this section by the Interior Solicitor's Office determined that Indian preference can only be waived in favor of non-Indian applicants who are already employed by the Bureau of Indian Affairs. In effect this creates job preference for non-Indian employees of the BIA which we doubt was the intent of Congress. It also frustrates the basic policy of the law to facilitate Indian control of Indian education.

COMMENT: As we have stated many times before, Indian preference should be related to the preference of the Indians. We strongly recommend that the section be amended so that the waiver can also be applied in favor of non-employees of the Bureau of Indian Affairs.

25 U.S.C. 2011(n)

This is the definition section where the term "educator" and "education position" are defined.

COMMENT: We believe that this definition section should be amended to clearly identify *all* positions funded by education are education positions. There should be no doubt that this includes those positions currently identified as wage grade. If this is not done it will continue to cause extreme financial problems for BIA schools since these positions are simply overpaid. These positions should come under the contract educator system and their pay should be determined by the contract educator pay scale. Pay reductions and status changes would only apply to new hires.

The second part of our testimony will take a critical look at the provisions which were passed by Congress and signed into law known as the Indian Education Amendments of 1984. We understand very clearly and support the intent of these amendments. Beginning about 1976 and continuing for about two years, a congressional committee for the first time in American history took a critical and thorough look at the BIA education system. The result was a piece of legislation that identified major problems and proposed a legislative solution.

The Bureau of Indian Affairs predictably testified on the proposed legislation that they could do everything that the bill proposed to do administratively and, therefore, the legislation was not necessary. The Bureau at that time had no intention of making the necessary changes in the system nor did they make any attempt to do so. The Bureau has also contended that the necessary changes in the system could be accomplished and that the problems identified with the system could be solved administratively; however, this administration has been extremely lax in implementing even the basic provisions of the law which was passed in 1978 and has refrained from taking a critical look at the system it is operating. Unfortunately, it seems to clearly prefer operating a system which does not work to one that does.

Four years ago progress toward the full implementation of P.L. 95-561 more or less stopped. With apparent assurances that their efforts would be praised, basic provisions of both the statutes and federal regulations were simply ignored. Consultation requirements with school boards and Indian tribes have been treated like a silly game that this administration refuses to play.

I am attaching a copy of the complaint in the NASBA lawsuit against the Bureau of Indian Affairs which specifies some of the major provisions of the law and federal regulations which have been left undone by this administration. Some of these are clearly the fault of the Bureau but others relate to the process of making federal policy known as "cut the budget." It seems that we are clearly in a situation these days where budget cutting comes first and policy makers come last trying to develop policy that will explain the cuts.

The sweeping reforms made to the Bureau education system in 1978 deserve the opportunity to be fully implemented. Title V of H. R. 11 clearly is an effort to force the administration to get on the stick and solve its problems. As we have indicated, we do not think it always goes far enough since numerous problems are not addressed in the amendments.

TITLE V, H. R. 11

If we make no comment on the section, it is an indication that we have no strong feelings one way or the other but have no problems with the inclusion of the section.

Sect. 502(a)

This section requires that education standards include immunization requirements developed in coordination with tribes and school boards. We understand that the drafters of the legislation must have identified problems in this area; however, we have not identified such problems and do not feel that this is an area where tribes and school boards need to be involved. Standards on immunization are pretty well determined and are in the proper realm of health professionals.

Sect. 502(b)

As it reads in the Amendment, the tribe or school board waiving an academic standard would be required to submit alternative standards instead of simply having the authority to do so. Tribal governing bodies formerly had the authority to waive standards and there was a question whether or not that waiver was subject to the Secretary's approval in the same way that revised standards are subject to that approval. This clarification actually reduces tribal authority by requiring that alternative standards be developed.

COMMENT: We have no problem with the amendment but do not feel that the amendment is particularly important.

Sect. 502(c)(2)

This section addresses the problem of accountability in [illegible] schools which have not been automatically subject to any [illegible] standard. The amendment requires that each contract [illegible] either be in compliance with Bureau standards or another standard of an accrediting agency recognized by the Secretary of Education or the state it is located in.

COMMENT: There is a problem with the wording of this section since it calls for the school to be in compliance two years after its contract is signed. There should be separate guidelines for existing contract schools and schools which go contract after the passage of this law. If that change is made then a contract school would actually have three options: 1) be in compliance with Bureau standards, 2) be in compliance with standards from some other accrediting organization of its choice, 3) get tribal designation for alternate standards which either the school board or the Tribe has developed. These options would seem sufficient to insure accountability without destroying flexibility. We support this provision.

Sect. 502(c)(3)

This requires the Bureau to contract with a national Indian organization to establish fiscal control and fund accounting procedures for contract schools.

Not

COMMENT: The establishment of a uniform procedure is a matter of some concern to us but we will defer to the contract school association on this matter. Secondly, the procedure for accomplishing the task "through contract with a national Indian organization" is a bit limiting. We are [illegible] which organizations this includes nor if those organizations have the capability, interest, or credibility to perform this extremely important task.

Sect. 502(d)

COMMENT: We agree with Mr. Smith's statement to the conferees of September 28, 1984 that language contained in the proposed standards addresses the problem adequately of an employee. We suspect that there will be more of a problem in getting Bureau officials to take adverse action against an employee who is clearly incapable of utilizing available funds to meet the standards. We feel there is a problem when persons who are directly responsible for the implementation of school programs and the personnel evaluations are also performing the accreditation activities. We do not feel this can be easily done and also feel that the credibility of the system is called into question by this type of procedure.

4

Sect. 502(e)

In 1979 federal regulations were promulgated which indicated that the Bureau was to develop standards both for school closures and for new schools or new school programs. Those procedures are now years overdue and more needed than ever. This section addresses closures and consolidations and prescribes certain guidelines which the Secretary must follow.

COMMENT: This section would certainly prevent the type of "off the wall" closure efforts which have been proposed over the past few years. We believe this is highly desirable. We do believe that some provision should be made for genuine emergency situations. We also think that the last sentence in item #g5 may be too restrictive. If in fact the Bureau does announce the possibility of closures as suggested in #3 and if this could not be done until the end of the school year, there would not be enough time to perform all the other tasks which would need to be done prior to the actual closure. Even the rumor of a school closure could be interpreted as "prejudicing" the personnel of the school, lowering morale, etc.

N *

Sect. 503 - School Boundaries

COMMENT: The language of this section creates uncertainty and potential problems. First we recommend under small letter "a" that the word "separate" be omitted. It will not be possible nor is there any good reason for separate (exclusive) attendance areas being established for boarding schools and dormitory programs. Attendance boundaries in public schools are present due to a number of reasons most of them financial. They delineate which areas a public school district has taxation jurisdiction over, the districts bonding capacity, etc. This function is far more important than the actual designation of which student can attend a given school. The latter function is quite adequately determined by bus routes.

In the Bureau boarding school situations, neither of these reasons apply. Separate attendance areas limit the capability of boarding schools to serve special needs. An idea we are trying to get implemented in the Navajo area is that schools should have areas of emphasis to meet the widely divergent student needs. We would like to see a situation where students and parents make decisions on which school the student will attend based upon program considerations. One school might emphasize Navajo language and culture studies, another might emphasize the vocational area, yet another as a college preparatory studies. The wording of this statute could prevent that type of situation from occurring.

We would like to see the possibility of a tribal governing body which gets its act together in 1990 instead of 1985 to have the possibility of proposing to the Secretary a new set of attendance boundaries which reflect the needs of the tribe's students.

This section makes reference only to the establishment of attendance areas and does not address any procedural guidelines for their implementation or enforcement. Such areas developed without procedural guidelines could present major problems.

Sect. 504(a-c)

This section should be regarded as the most controversial. It does in fact call for the Bureau to set up separate support services in the area of personnel and procurement. Two major questions come to mind: 1) Are these provisions desirable and necessary? 2) Is setting up separate support services the best way of solving the identified problems?

COMMENT: These are very difficult questions to answer since little guidance is given by the statute as to how this would be organized. Presumably this could result in the transferring of procurement and personnel staff from under the Area Director to supervision by the Area Education Program Administrator or transferring positions to the supervision of the agency education superintendents. NASBA's position is that we do not believe that the potential benefits of the changes involved are important enough to justify such a major reorganization of support service personnel. Rather, we believe that the Assistant Secretary should recognize that there is a continuing problem and take the administrative actions necessary to solve such problems on a priority basis. It is in fact the act of neglecting the problems that causes them to get out of hand.

Sect. 504(d)

This section makes a major change in the method by which the operation and maintenance of education facilities program operates. It directs the Bureau to develop a distribution system based upon a computation of need for each facility. The primary change it makes is to allocate funds to the education line officers and provides that they in turn will make suitable arrangements for the maintenance of education facilities with agency superintendents and area directors. The education superintendents will in fact buy services from facilities management offices.

COMMENT: This is an unusual administrative set up. It would give education personnel substantial clout over facilities management personnel. This could well result in substantially improved services. NASBA would suggest in addition to this section which provides that education has the option of contracting outside for maintenance services when the BIA services continue to be substandard.

Sect. 505(b)(2)

This section provides for funds for school board training and activities. There is nothing in it that is substantially different from federal regulations on the same subject. However, after only a couple of years of operation, the fund was slashed in the President's proposed budget and after another couple of years the nature of the fund changed to a centralized training fund much reduced from the original amount. The intent of the statute appears to be an effort to prevent the Bureau from taking such liberties with its own regulations.

COMMENT: We support the provision but far more important than this provision is a commitment from the Congress and the Administration that school board activities will be adequately funded. We have discovered over years of operation that regulations and statute alike are quite easily ignored by the persons who hold the purse strings. As with all items that become small separate line items, the vulnerbility of that fund seems to increase.

Sect. 506(a)(1&2)

This section provides for forward funding of the education program.

COMMENT: We strongly support this provision since many of the problems particularly with procurement are related to late receipt of the Advices of Allotment. Another method for dealing with the same problem which would be nearly as effective is to simply provide for carry-over of fiscal year funds to the succeeding fiscal year. Both of these methods would prevent the procurement chaos that occurs during the fourth quarter of every fiscal year.

Sect. 506(3)

COMMENT: We support the authority of school supervisors to expend up to 10% of the funds to procure supplies and equipment with or without competitive bidding. We believe the purpose of this section is to expedite the procurement process; however, a strict reading of the section might indicate that a school could spend no more than 10% of its budget on supplies and equipment. We do not believe that a school should be prevented from spending more than 10% on these items if those needs are identified.

Sect. 506(b)

COMMENT: NASBA supports the provision providing for the funding of tribal divisions of education and the development of tribal codes. We can imagine that there might be substantial difficulties in implementing such a provision and believe that perhaps more direction should appear in the statute. We would deem it doubtful that the Bureau would provide sufficient funds for each tribe to be funded on some kind of entitlement basis. Perhaps this program should operate along the line of Part B of Title IV and have some very specific criteria for program funding.

Sect. 507

These provisions simply add a little detail to the appeal process insuring that the school board is given a copy of the writte appeal and is given the opportunity to give a written statement to the superintendent on the decision being appealed. It further provides that the superintendent must identify the reasons for overturning the school board action.

COMMENT: NASBA has no problem with these provisions but, as indicated earlier, would like to see some provision made for a school board appeal when it believes that its decision was overturned for other than "good cause."

Sect. 509

This provides that the Inspector General would audit each Bureau school at least once every three years.

COMMENT: This seems as though it might be excessive. Such audits should perhaps be an in-house procedure within the Office of Indian Education Programs with some involvement by the I.G. from time to time.

Sect. 511

COMMENT: We strongly support this provision that a Bureau school be allowed to accept voluntary services.

Sect. 512

COMMENT: Proration of pay over a 12-month period is long overdue and we strongly support this section. We also support the method of providing a stipend in lieu of overtime premium pay or compt time. This is in line with the way public schools operate and we see no reason why it should not be done in Bureau schools.

Finally, we support the provision that agency superintendents for education have the authority to waive a certain percentage of the rental rate for educators. Bureau education positions are becoming increasingly less competitive with public school jobs. The situation is occurring where the more sought after educators are taking positions in public schools leaving the less desirable educators in Bureau schools. Meanwhile, rental rates in Bureau quarters have been increasing at an alarming rate. Employees are preferring to commute long distances to their jobs rather than living on site and paying the excessive rental rates.

Another method of handling the situation, of course, would be to reconsider the way such rates are computed. One of the problems that will have to be dealt with if this waiver of rate is utilized on a wide scale is that revenue to the Quarters, Improvement and Repair fund will take a nose-dive. This fund would then have to be supplemented from regular O & M funds.

We hope these perceptions will be useful to the Committee. We find it highly irregular to be testifying on a piece of legislation after it has been passed. We feel that many problems could be solved by timely, no-nonsense oversight by policy making committees.

Testimony
in the matter of
Title IV, Part A, Indian Education Act Program

Mesa Unified School District No. 4
Mesa, Arizona 85203
(602) 898-7960

I. Introduction

The Mesa Unified School District has 1,153 Indian students who attend classes in grades kindergarten through twelve. This represents the largest Indian population of any school district in Central Arizona. The majority are enrolled in the Pima-Maricopa tribe, the others include Navajo, Hopi and Papago. There are two reservations nearby--Fort McDowell and Salt River.

II. Title IV Project, 1984-85

For the current school year, the district will receive $141,733 under Title IV, Part A. These funds enable the district to employ a staff of five, 17 part-time tutors and two bus drivers.

The major activities provided by the Title IV - A project include:

A. Tutoring services - Eight elementary schools, one special and six junior high schools have tutors hired to work with Indian students in math, reading and on improving the students' self-concept. Tutors working hours vary from four to 24 hours depending upon school assigned. Assignment to a school was determined by the number of Indian students at the school and by the number of students needing to be tutored. Tutors work with any student referred in grades K-9, aggregate total of 350.

B. Transportation - This goal was a continuing effort to successfully increase the participation of Indian students in extra-curricular activities at their schools. The transportation program allowed many students to participate in programs they otherwise would not have had an opportunity to join. This enables students and parents to feel more a part of the school and it's total educational programs. Students have to be bussed from both reservations into the district.

C. Cultural Specialist - The specialist does historical and cultural presentations serving four target elementary schools. In addition to the target schools, the cultural specialist has done lessons to as many as 15 elementary, nine junior high and two high school classes. During the 1983-84 school year, the specialist did a total of 195 formal presentations and worked with 6,313 students and yet there are requests that cannot be met.

D. Home/School Liaison - A certified teacher organizes workshops for both parents and teachers. The home/school liaison specialist last year coordinated two successful workshops for parents on "how to help your child at home" and another on "how to help your child during the summer." Attendance at both was very good. The teacher workshops included activities such as having Indian consultant speakers, touring nearby reservations and having parent-teacher meetings. Parents took an active role in helping to organize the tours, being panel speakers at the schools and attending informal parent-teacher meetings.

III. Program Achievements
The Title IV project has made great strides over the past years to meet the specific educational needs of Indian students.

A. Academic improvement - Significant improvements were made in the academic performance of Indian students who were tutored during the 1983-84 school year. In comparison to the performance of students who were tutored during the previous academic year (1982-83). The tutees in the 1983-84 school year had higher starting mean scores (spring 1983), more increases in grade level and subject assessments, and higher mean scores at the end of the 1983-84 school year. (See appendixes A and B).

B. Transportation services to the reservations were provided to any student wishing to participate in extra-curricular activities at school. There was an aggregate total of 350 students.

C. There were 195 historical and cultural presentations given. This was 78 more than last year, so there is a great demand in urban schools to learn more about the American Indian customs.

D. The home/school liaison program, in its first year (1983-84) of operation, held two parent workshops with a total of about 70 parents in attendance.

E. Ten workshops were held for school personnel during 1983-84, which included approximately 500 teachers. At the beginning of this school year, the Indian Education Program office began receiving calls from school principals stating their interest in touring a reservation for their school.

F. A Career Day was held for high school students in which Indian leaders from different career areas were represented. Within the Mesa District, there are only five full-blooded American Indians, which shows their is an insignificent number of role models for our Indian students. The Career Day was the first time a program with Indian leaders was done for our students.

If Title IV funds were eliminated, there is no way that the district, under its present budget obligations, could absorb the Indian Education programs. All the positions provided by Title IV would be eliminated with loss of these funds. The talents and skills of the Indian Education staff would not directly effect our Indian students.

It is our hope to continue providing and improving quality programs to our Indian students, parents and schools with your assistance.

APPENDIX A

Table 7
CAT Total Reading NCE Means and Mean Gains by Elementary Grade Level

Grade Level in Spring '84	No. of Students	CAT NCE Means		Mean NCE Gains
		Spring '83	Spring '84	
1	4	30.8	56.0	25.2*
2	20	42.6	46.6	3.9
3	14	43.4	47.1	3.8
4	16	37.3	40.2	2.9
5	22	47.4	50.6	3.3
6	23	42.6	44.6	2.0
Total	99	42.4	46.5	4.0*

Table 8
CAT Total Reading NCE Means and Mean Gains by Junior High Grade Level

Grade Level in Spring '84	No. of Students	CAT NCE Means		Mean NCE Gains
		Spring '83	Spring '84	
7	25	41.3	44.7	3.4
8	19	41.9	44.8	2.9
9	18	40.6	44.7	4.2
Total	62	41.3	44.8	3.5*

*Significant difference at the .05 level.

APPENDIX B

Table 9
CAT Total Math NCE Means and Mean Gains by
Elementary Grade Level

Grade Level in Spring '84	No. of Students	CAT NCE Means		Mean NCE Gains
		Spring '83	Spring '84	
1	2	33.5	56.5	23.0
2	0	—	—	—
3	15	49.3	52.3	3.0
4	17	36.4	39.7	3.3
5	22	46.8	48.2	1.4
6	21	48.4	54.9	6.5*
Total	77	45.1	49.2	4.1*

Table 10
CAT Total Math NCE Means and Mean Gains by
Junior High Grade Level

Grade Level in Spring '84	No. of Students	CAT NCE Means		Mean NCE Gains
		Spring '83	Spring '84	
7	22	44.9	46.5	1.6
8	21	42.8	44.9	2.1
9	15	44.8	45.7	0.9
Total	58	44.1	45.7	1.6

*Significant difference at the .05 level.

MESA PUBLIC SCHOOLS
Whitman Elementary School
1829 North Grand
Mesa, Arizona 85201

George N. Smith, Ed.D.
Superintendent

Blair Ressler
Principal
602/833-3609

December 21, 1984

Senator Dennis Deconcini
Senate Select Committee on Indian Affairs

Dear Sir:

This letter is written in support of the Title IV program. We have had this program at Whitman School for several years and have found it to be very beneficial to students. The small group instruction has been a valuable supplement of our curriculum. Our PIPO aide speaks highly of the program, teachers readily refer students for instruction, and students are eager to attend. I certainly favor continuance.

I would also like to express support for the Parent Liaison component. We have just begun to make progress in the area of school/home communication and would like to see that progress continue. I see the Parent Liaison component as a very valuable resource.

Please give strong consideration to the continued funding of the Title IV program.

Sincerely,

Blair Ressler

Blair Ressler

UNITED TEACHING PROFESSION

National Council of Bureau of Indian Affairs Educators

Post Office Box 5 - Tuba City, Arizona 86045

NEA
NCBIAE

January 21, 1985

Honorable Dennis DeConcini
United States Senator
Senate Select Committee on
  Indian Affairs
Hart Office Building, Room 328
Washington, D.C. 20510

Dear Senator DeConcini:

Enclosed is a salary comparison chart and some additional information related to the claim we made at the hearing in Phoenix on December 6, 1984. We believe that this material will support our contention that salaries paid by the Office of Indian Education Programs are not keeping up with those offered by public schools in the area. We feel that eventually this will result in the Bureau's inability to recruit and retain quality educators to implement the intent of Congress regarding quality educational opportunities for the Indian people.

As the article from Northern Arizona University's Lumberjack, on December 16, 1984, will indicate there is a general concern that the current shortage of teachers may cripple efforts to improve education in Arizona. It refers to the areas that will be most affected: rural areas and the reservations.

We appreciate the opportunity to call this matter to your attention and request that it become part of the Congressional record. If you have need for additional information or clarification I shall be glad to provide it.

Respectfully submitted,

Patrick J Carr

Patrick J. Carr,
President

Affiliated with National Education Association

HOW TEACHER SALARIES* COMPARE TO PRIVATE INDUSTRY OVER 10 YEARS

1974	PRIVATE INDUSTRY	1984
$ 8,685	Laboratory Technician	$17,761
8,892	Librarian	1[illegible],344
9,672	Economist	20,484
11,040	Accountant	20,176
10,088	Sanitation Worker	20,280
10,176	Statistician	22,416
11,284	Radio Broadcaster	20,800
11,925	Bus Driver (Metro)	22,906
11,546	Computer Analyst	24,864
11,556	Engineer	26,844
13,485	Construction Worker	23,126
14,820	Plumber	24,180
16,801	Social Worker	23,907
18,666	Purchasing Director	37,374
19,634	Personnel Director	42,978
$ 8,233	**TEACHER**	$14,500

SOURCES: U.S. Department of Labor Reports: *Employment and Earnings, Professional, Administrative, Technical, and Clerical Pay;*
NEA Research Report: *Prices, Budgets, Salaries, and Incomes;*
U.S. Office of Personnel Management Report: *State Salary Survey*

*Average Beginning Salaries

November 1984

OIEP & PUBLIC SCHOOL SALARY COMPARISON CHART

ARIZONA	**BA**	**MA**	**MA + 36 Credits**	**Highest Salary**
Chinle	15,000 - 18,900 7 steps	16,900 - 26,650 16 steps	18,800 - 32,450 16 steps	35,350
Flagstaff	15,000 - 17,900 6 steps	16,060 - 23,280 12 steps	17,650 - 27,750 16 steps	29,000
Ganado	14,000 - 19,500 7 steps	16,100 - 28,500 16 steps	17,500 - 30,750 17 steps	31,500
Grand Canyon	13,805 - 19,272 8 steps	16,148 - 27,863 16 steps	18,491 - 30,206 16 steps	30,987
Page	16,548 - 23,506 8 steps	18,536 - 27,482 10 steps	21,518 - 31,458 11 steps	32,452
Tuba City	15,100 - 21,442 8 steps	17,818 - 32,314 17 steps	20,536 - 36,844 19 steps	38,656
Window Rock	15,000 - 20,200 8 steps	17,000 - 28,000 14 steps	18,800 - 31,200 15 steps	31,800
Winslow	16,090 - 20,080	17,670 - 25,080 16 steps	18,855 - 26,835	27,230
NEW MEXICO				
Albuquerque	13,955 - 21,875 17 steps	15,100 - 23,515 18 steps	17,190 - 20,010 6 steps	28,645
Farmington	14,365 - 20,686 11 steps	16,663 - 23,282 15 steps	18,387 - 28,730 17 steps	28,736
Gallup-McKinley	14,175 - 22,705 20 steps	16,010 - 27,040 21 steps	17,090 - 28,230 13 steps	28,230
OIEP (BIA)				
Status Quo (GS-09)	——— - 27,384(subject to 12 weeks furlough in summers or -25%) 20,538 + or -			
Contract (03)	14,317 - 22,566(scale completed in 21 increments)			22,566
" (04)	(Master Teacher)			24,854

CONCLUSIONS: The longer one works for the OIEP the lower their salary will be in comparison to what their colleagues will earn in the public schools. Also, long term educators in a situation like the one found in Tuba City High School can earn $20,538 with their 12-week summer lay-off. Their counterparts in the public schools, working side-by-side, with less hours-per-day and less days-per-school year, can earn $38,656. We do not believe that the OIEP can recruit and retain educators under these conditions.

Shortage may cripple reform

Cathryn Nowaczyk
Managing Editor

Some say the severe teacher shortage may soon cripple efforts for educational reform in Arizona.

On the average, Arizona's education colleges are turning out fewer graduates, while enrollments in elementary schools are beginning to climb.

Although NAU is now graduating slightly more education majors than in the past, the number is still not near enough, said Beth Williams, assistant director of the NAU Career Placement Center.

Adding to the shortage problem are other states, already short of teachers, are actively recruiting graduates in Arizona. In many instances they can offer more money than beginning teachers can earn in Arizona.

> 'We are embarking on a strong recruitment program for teaching as a profession'

"We even have recruiters coming at mid-semester," Williams said.

The crunch has already hit many of the nation's school districts. Texas is short approximately 6,000 teachers and their annual need is 22,000. California has handled the situation by hiring more than 100 non-certified teachers.

Williams said she feels there are three main problems which have caused this shortage. One problem is that the field of education has not been held in high public esteem in past years.

Another problem is the low salary. In Arizona, beginning teachers are paid, on the average, about $16,500.

"Our beginning salary is better than a lot of states, yet we have some catching up to do," Williams said.

Also, with fewer students enrolling in the program and stricter certification requirements, the shortage problem only doubles, she said. Currently, that means there are fewer better people who can successfully complete the process.

In addition, there is no way of knowing how many graduates will certify in Arizona, but it would be safe to say 80 percent will pass the exit test.

"In the long run the field will be stronger due to stricter testing, and with the focus on excellence, a higher caliber of students will be attracted," she said.

At NAU, Williams said, the senior enrollment in education is up somewhat, yet the number is still under the demand.

"I feel positive about the future for graduates at NAU and the focus on the Center for Excellence in Education will only enhance it," Williams said.

The Center is encouraging the quality of students by focusing on recruiting those students in the top 10 percent of their high school, said David Williams, associate executive director of the Center.

"We (the Center) are embarking on a strong recruitment program for teaching as a profession," he said.

The areas in Arizona most affected by the shortage are rural areas and the reservations. Subject areas in demand are math, science (mainly physics and chemistry), bilingual and special education. Although, Beth Williams noted all areas are in some kind of demand.

"Computer science is a growing demand field since many elementary and high schools have begun data processing courses," she said.

"English also is being affected. About three years ago education graduates with English degrees took a dive. Only now are we beginning to have a turnaround in the area, yet we still have a long way to go."

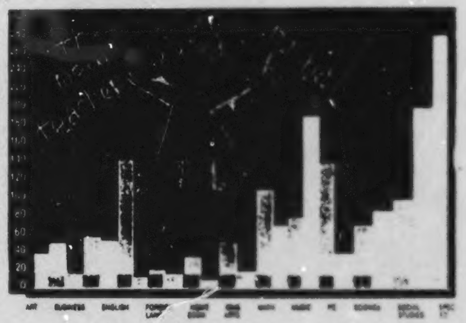
Williams said the last areas to be affected will be Tucson and Phoenix because they're the popular places to live. But as the teacher pool dries up nationally, Arizona isn't going to be as lucky as it has been in the past.

Meanwhile, the number of births in the state is on an upswing. According to Arizona Department of Health Services statistics, between 1977 and 1982, Arizona's number of births increased from [illegible] to about 32,500.

Children born during 1977 are now entering kindergarten and by 1987, 30 percent more kindergarteners will be starting school, the statistics indicate.

Also adding to the shortage problem is the high turnover rate. According to Williams, teachers are presently staying in the profession for five to seven years, instead of a 25-year career as previously done.

Williams noted there are jobs for those who qualify. "Over the past years we have placed between 85 and 87 percent of our education majors who actively sought jobs."



New Teacher Supply and Demand
for Public Schools in Arizona Fall 1983

Low Salaries

Low beginning teacher salaries, lagging far behind starting pay in other professions requiring a college degree, are keeping many students from even considering a teaching career. And that disturbing trend will take its toll on our educational system in the years ahead, Mary Hatwood Futrell, president of the National Education Association (NEA), said recently.

First-year teachers, she pointed out, earn an average of $14,500, while accountants, computer analysts, social workers and radio broadcasters command starting salaries well over the $20,000 mark. (See attached chart to compare beginning teaching salaries to those in private industry.)

"If we're serious about educational excellence and really want to draw top talent into our classrooms, we must boost starting salaries for teachers substantially," Futrell said.

The NEA leader said beginning teachers ought to make at least $24,000.

Low salaries top the list of reasons why college-bound high school students are shunning the profession. A recent study from Texas Christian University demonstrates this point. Texas Christian researchers found that nearly two-thirds of today's students are not interested in a teaching career. Asked what would attract them to the profession, 60 percent of these students said "considerably better salaries for teachers," 58 percent said "more rapid salary increases for teachers," and 54 percent said "better chances for professional advancement for teachers."

NEA statistics show that nine states now have beginning teachers earning less than $10,000: Arkansas, Colorado, Connecticut, Maine, Oklahoma, New Hampshire, North Dakota, Missouri and Vermont.

PASCUA
YAQUI
TRIBE

7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

December 4, 1984

Mark Andrews, Chairman
Senate Select Committee on Indian Affairs
Washington, D.C. 20510

Re: Pascua Yaqui Testimony

The Pascua Yaqui Tribe of Arizona wishes to submit its comments and concerns regarding the Johnson O'Malley act. While there are several issues surrounding the act itself, as it stands we wish to point out the following main concerns that immediately affect us.

1. Funding for Johnson O'Malley has decreased substantially in its present form of per capita distribution. It has for this tribe been reduced from over $140.00 per capita in 1980 to $119.00 for 1985.

2. The present system in determining the per capita formula and the means by which it is constructed promotes inequity by making tribes vote on the formula itself.

3. Administrative costs associated with BIA programs as indirect costs may eventually be eliminated, thus utilizing program dollars for these costs. Our tribe and others in similar positions have little if any financial resources to underwrite these excess costs because of a lack of natural resources or revenues.

4. Education has been a means of stepping out of the cycle of poverty. In Johnson O'Malley programs, the impact made on the Indian student population merits an increase in appropriations for this act.

While we believe that the present administration must control deficits, we nevertheless uphold the position that Indian education programs have made significant gains and that funding for these areas of need must not be reduced.

Respectfully submitted,

David G. Ramirez
Tribal Chairman
Pascua Yaqui Tribe

DGR:kmh

PREPARED TESTIMONY OF
THE HONORABLE MERLE L. GARCIA, GOVERNOR
PUEBLO OF ACOMA

SUMMARY

The Pueblo of Acoma places the highest priority on education. Because the Pueblo operates four education programs by contract with BIA, education issues necessarily involve the Indian Self-Determination Act. Needed amendments to the Indian Self-Determination Act include:

1. A Congressional declaration of long term financial support for programs taken over by tribes under Indian Self-Determination Act contracts;

2. Making Self-Determination Act contracts fixed fee rather than cost reimbursable;

3. Providing for automatic contract renewal at the beginning of the fiscal year with authorization for immediate fund draw down;

4. Extending existing provisions of law for federal employee benefits upon employment by tribal organizations;

5. Resolving the indirect cost problem by (a) removing Indian tribes from the strictures of OASC-10 and (b) authorizing lump sum indirect cost payments;

6. Making the lobbying restrictions of OMB Circular A-122 inapplicable to Indian tribes requesting Congressional assistance to improve the operation of federally funded programs.

Title V of H.R. 11 contains the following provisions essential to the Pueblo of Acoma:

1. Forward funding and carry over of funds, Sec. 506;

2. School closure restrictions, Sec. 502(g);

3. Revision to the Bureau funding formula, Sec. 505;

4. Changes in provisions for Bureau of Indian Affairs support services, Sec. 504;

5. Personnel provisions, Sec. 512.

Other concerns of the Pueblo include the hostility of BIA in this Administration to education as reflected in (1) its failure to implement key provisions of P.L. 95-561 and (2) its refusal to request funds for pre-Kindergarten programs contrary to the expressed wishes of the tribes.

INTRODUCTION

Mr. Chairman, I appear before you as the leader of an Indian tribe which for many years has placed the highest priority on education. The Pueblo of Acoma, located 60 miles west of Albuquerque with a membership of almost 4,000 members, is recognized as the oldest continuously inhabited community in North America. The Pueblo landholdings exceed 334,000 acres and 3,000 tribal members reside on the Reservation.

Acoma has maintained much of its cultural heritage and traditions, and the native religion continues to play an important and powerful role in the life of the Pueblo. The first language of many Acoma tribal members is Western Keresan, although English as a first language is becoming increasingly common among the younger generation.

Educational opportunities available to the Acoma Pueblo include public schools governed by the Grants Municipal School District, St. Joseph and St. Catherine private Catholic schools and the Bureau of Indian Affairs Sky City Community School. Currently, about 55% of Acoma children attending school go to public schools, while about 35% attend the Sky City Community School. The remainder attend either St. Joseph or St. Catherine private Catholic schools.

My testimony today will focus on our Sky City Community School, a BIA-operated school which the Pueblo is planning to operate under contract beginning next year. In addition to this proposed contract, the Pueblo contracts with the Bureau of Indian Affairs to administer the Community Adult Education Program, the Johnson-O'Malley Program, the Parent/Child Development Program and higher education. The Pueblo has three other contracts with the Bureau and eight others with various federal and state agencies. For Acoma, education concerns necessarily involve the Indian Self-Determination Act.

Although my testimony today emphasizes administrative mechanisms and funding arrangements, let there be no doubt that the education of Acoma children is the primary concern of our tribal government.

o In 1983 the Pueblo allocated tribal funds to retain a curriculum consultant to analyze the educational program at the Sky City Community School. The consultant's recommendations have been fully implemented.

o In March of 1984 the school was accredited by the North Central Association.

o Sky City's application for accreditation is presently pending before the State of New Mexico and approval is expected soon.

o Sky City Community School is one of the few Bureau of Indian Affairs operated schools which now meets all minimum requirements of the Bureau's proposed academic standards.

o BIA is using our curriculum as a model for all of its schools.

o More than 80% of the Sky City administration, academic and support staff are tribal members.

With the active support of the Acoma Tribal Council, Sky City Community School has established a standard of excellence which has not been achieved by public school systems nearby. To continue the Pueblo's efforts to promote excellence in education, we are planning to convert to contract status to free ourselves from the constraints of the Bureau system.

In short, the 1960's slogan of "Indian Control of Indian Education" is being proved at Acoma to have a substantive as well as a rhetorical content. The local control that the Acoma Pueblo can and does exercise over its educational program is resulting in educational excellence. Any suggestion that the local public school district or the State can provide better educational services is not true in the case of Acoma.

SELF-DETERMINATION ISSUES

The Pueblo of Acoma is committed to exercising its right of self-determination through administering to the maximum extent feasible governmentally funded programs. There are several areas where legislative action is needed to improve workings of the self-determination contracts. Some of these deficiencies are identified in a study prepared in May, 1984, for the Bureau of Indian Affairs by TCI, Incorporated, entitled "Indian Self-Determination Study," a copy of which is attached as Exhibit A to my testimony.

1. Congressional Commitment for Continuing Financial Support

The TCI study notes that "fear of termination is a pervasive, powerful deterrent to further contracting," p. 33. It points out that there is a crucial distinction between political self sufficiency for which most tribes, including Acoma, are striving and economic self sufficiency which for resource poor tribes is a distant dream.

I call upon the Congress to reaffirm its intent that programs contracted under P.L. 93-638 will receive long term funding. Ultimately, the federal/tribal relationship is by the terms of Article I of the United States Constitution vested in the Congress of the United States. Therefore, the Acoma Tribal Government looks to the Congress - not the Administration - for a commitment to long term support.

Because of the present Administration's funding cuts experienced by tribal governments there is a need for further assurances from the Congress that Self-Determination is not Termination in disguise. A legislative declaration in the nature of a Treaty commitment would serve as a powerful inducement to tribal governments to move forward in the bipartisan program of Self Determination.

2. Cost Reimbursable Contracts

A second major problem, not identified in the Bureau's TCI study, concerns the fact that Bureau 638 contracts are cost reimbursable rather than fixed fee. 41 C.F.R. Sec. 14H-70.404 provides:

> Cost-reimbursement type contracts provide for payment to the contractor of **allowable costs** incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of the total cost to obligate the funds, and a monetary ceiling which the contractor may not exceed. **Cost reimbursement type contracts will be used for all contracts made pursuant to this Part.** (emphasis added).

Under cost reimbursement type contracts, millions of dollars are spent by the Bureau and tribes hassling over what is or is not an "allowable cost". The Bureau's legitimate interest is to make sure that the program is performed according to the contract. A fixed price contract could achieve that objective and at the same time encourage increased efficiency by tribal organizations and reduce administrative costs to federal and tribal governments. Further, tribes would have greater flexibility to administer contract funds as they see fit without having the constant problem of justifying each expenditure to a low level government clerk. Legislation is needed to correct this situation.

3. Automatic Contract Renewal

At present, each contract expires at the end of the fiscal year even though education and other programs are ongoing. Because of the appropriations and allocation process, it is several months into the new fiscal year before our contracts are renewed and the Pueblo is authorized to draw down funds. The Pueblo, however, has a payroll to meet and that obligation is not affected by the fiscal year. As a consequence, each year, we find ourselves in a bind until the contract is renewed and budget approved.

To resolve this administrative problem, I call upon the Congress to amend P.L. 93-638 to provide that on their expiration dates all contracts will automatically be renewed for one year unless the tribe notifies the government of an intention not to renew. The law should expressly authorize the immediate draw down of funds irrespective of the status of appropriations. In this way, tribal governments administering federally funded programs can be placed on a parity with federal agencies administering federal programs. The Continuing Resolution process enables the federal government to continue its operations. Tribal governments require a similar mechanism.

4. Retention of Federal Employee Benefits

A fourth area requiring legislative action is the extension of the provisions in 25 U.S.C. 450(i) concerning federal employee benefits upon employment by tribal organizations. Under existing law, an individual who leaves federal employment to be employed by a tribal organization on or before December 31, 1985, may continue to receive federal retirement, health and certain other benefits, if the employee and the tribal organization so elect. Because so many tribal members are employed in local Bureau of Indian Affairs offices, and because of the importance of the federal benefits to these individuals, these tribal members will oppose conversion of further programs to contract status if the employee benefits afforded by present law are no longer available. Accordingly, I call upon the Congress to extend the December 31, 1985 deadline for at least five more years.

5. Indirect Costs

The subject of indirect costs has received considerable attention from the Bureau of Indian Affairs and other federal agencies, but as yet, there have been no satisfactory solutions. In a nutshell, Indian tribes need to receive, in fact rather than in theory, sufficient funds to administer federal programs.

One specific problem is the subjection of Indian tribes to the same indirect cost guidelines of OASC-10 ("Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rules for Grants and Contracts with the Federal Government") that apply to state and local governments. As is explained by the attached letter (Exhibit B) from Interior's Inspector General to the Deputy Director of the Office of Management and Budget, Indian tribes are not the same as state and local governments in a financial sense. The problem was documented in hearings before your Committee on June 30, 1982 but action has yet to be taken.

One result of the applicability of OASC-10, is that lump sum indirect cost agreements can no longer be negotiated with Indian tribes. The lump sum agreement would permit field level staff from the principal funding agencies to agree to pay a stipulated portion of each tribe's allowable administrative costs. The agreement is expressed not in terms of percentage of a program, but in dollars which do not fluctuate with changes in funding levels. In the case of small Indian tribes the funding stability for indirect costs is essential. To achieve this objective, legislation is needed.

TITLE V OF H.R. 11

Last year the Congress passed and the President signed into law Title V of H.R. 11, the Indian Education Amendments of 1984. It is our understanding that the Senate Select Committee on Indian Affairs wants to re-examine the desirability of that legislation. Set forth below are the provisions which are most important to the Pueblo of Acoma.

1. Forward Funding and Carry Over of Funds

First and foremost, we support the forward funding and carry over provisions of Sec. 506. Our academic year begins in August and the fiscal year does not begin until October. At present, we generally do not know our allotment at the local school level until January or February. The present funding system makes it virtually impossible to plan our expenditures.

A one time double funding of BIA Education Programs would solve our problem. We understand that BIA is considering a proposal to authorize advance procurement in the fourth quarter of the fiscal year for the succeeding fiscal year. We recognize that this would be a much less painful solution for the federal budgetary and appropriations process, but we are not sure that it will completely resolve the problem. In many instances we would like to begin procurement in May or June rather than July or August for the coming school year. There is, moreover, a question of how an advance procurement authorization would apply to contract schools in the event my proposal for automatic contract renewal is not adopted. Finally, advance procurement does not address the need for carry over authorization.

If the technical details of an advance procurement provision can be worked out, we would give it our provisional support with the understanding that if it does not solve the funding problems we experience at the local level, we could move to full forward funding in the future. In so doing, however, I wish to emphasize the importance of the provision in Sec. 506(a)(3) which authorizes the supervisor of each school to expend up to 10% of its allotment to procure supplies and equipment without competitive bidding. The small procurements constitute the biggest problem with the funding system, and this provision seems to resolve it effectively. When we need six text books for the third grade, there is no reason that we should wait two years to obtain the books or to procure them by competitive bidding.

2. School Closure Restrictions

A second provision which we strongly support is the school closure restrictions of Sec. 502(g). In this age of budget cutting, we want to be sure that any proposed school closure will be subjected to and be required to withstand close scrutiny.

The closures of Bureau operated schools are, in many cases, false economies. Substantial federal financial support is provided through the United States Office of Education in the event the children displaced by a BIA school closure wind up in public schools. Often the effect of a BIA school closure is simply to transfer federal expenditures from Interior to Education. This kind of transfer can win points for the Secretary of Interior at OMB, but it is not a real saving. And if the displaced children wind up in another Bureau of Indian Affairs school, then the BIA has incurred additional personnel and facilities costs for no good reason.

3. Funding Formula

We also support the provisions of Sec. 505 concerning revisions to the BIA funding formula. Of particular importance at Acoma is a constant shortfall in the allocation for transportation costs. We have been running at a deficit in the transportation line item for several years, a deficit which has to be made up from other line items. We support the provision providing for school board expenses and the provisions requiring that contract schools receive funds for administrative and indirect costs without reducing their operational funds.

4. BIA Education Functions

We support provisions of Sec. 504 for Bureau of Indian Affairs education functions. At Acoma, we have experienced great delay in getting commitments for Facility, Improvement and Repair at our Sky City Community School. We have had roof problems, heating and cooling problems and basic design problems which have needed attention. Placing control of the funds for Facility, Improvement and Repair and operation and maintenance in the hands of OIEP should do much to improve the responsiveness of the Bureau system.

5. Personnel Provisions

We also support the provisions of Sec. 512 on proration of pay and extracurricular activities. In both instances, these provisions will be beneficial to the employees of our school.

6. Other Needed Provisions

Title V of H.R. 11 did not address two important personnel issues. First, all employees at Bureau schools should be placed under the same personnel system. This requires an amendment to provisions of existing law, particularly 25 U.S.C. 2011(n). The existing definition of "education position" has been construed narrowly so as to exclude most of the support personnel at BIA schools. There is no reason to have different personnel systems for different categories of employees at Bureau schools.

25 U.S.C. 2011(f) authorizes the waiver of Indian Preference by Indian tribal organizations. This provision has been construed by the Interior Solicitor's Office to apply only to non-Indian applicants who are already employed by the Bureau of Indian Affairs. There is no reason to limit the provision to present Bureau employees. Indian preference should be related to the preference of the Indians. We recommend that this section be amended so that the waiver can also be applied in favor of non-employees of the Bureau.

OTHER CONCERNS

We remain concerned by the hostility of BIA to education which is reflected in (1) the continuing failure to implement key provisions of P.L. 95-561 and (2) the failure to request funds for pre-Kindergarten programs contrary to the declared wishes of the tribes. The Navajo Tribe has had to finance a lawsuit against BIA to compel implementation of P.L. 95-561, a law which was approved by this Committee and for which this Committee has oversight responsibility. This Committee has the power to secure compliance by BIA with any law, and I urge you to use that power here.

Despite BIA's repeated lip service to responding to tribal priorities (see, 25 C.F.R. Part 32), we have witnessed the repeated failure of the Bureau to request funds for pre-Kindergarten programs. In past years the Pueblo of Acoma has run a pre-Kindergarten program which served an important educational need for our children. As increasing numbers of tribal employees, especially women, go to work for tribal programs, the need to provide educational programs for their children increases. Because many of those individuals are now employed, they do not meet the Headstart Poverty Guidelines and yet their level of income is not sufficiently high to enable them to pay for the full cost of a private program. Indeed, there are no private programs on or near the Pueblo. Pre-Kindergarten programs meet a real need and should be continued. Attached as Exhibit C is a notice from the Acting Director, Office of Indian Education Programs announcing the termination of the sixteen BIA funded pre-Kindergarten programs.

The Bureau's decision to discontinue funding for pre-Kindergarten programs is more than an appropriations matter - it reflects a program policy decision within the scope of the Senate Select Committee's oversight responsibility. I urge you to look into the efficacy of the pre-school program and do what you can to see that the Bureau's decision to close pre-Kindergarten programs is reversed.

Thank you for permitting me to submit this testimony.

Merle L. Garcia, Governor
Pueblo of Acoma

[Editors Note: Attachments to this statement are retained in the files of the Senate Select Committee on Indian Affairs.]

PUEBLO OF LAGUNA
P.O. BOX [illegible]
LAGUNA, NEW MEXICO [illegible]

Office of
The Governor
The Secretary
The Treasurer

(505) 243-7616
(505) 552-6654
(505) 552-6655

December 18, 1984

RECEIVED [illegible]

Mark Andrews, Chairman
Select Committee on Indian Affairs
Washington, D. C. 20510

ATTENTION: Michael Mahsetky
Staff Attorney

Dear Mr. Andrews:

This letter is in response to the recent Field Hearings held in Phoenix, Arizona on December 6, 1984, to address the Bureau of Indian Affairs Elementary and Secondary Education Programs and the Title IV Indian Education Act Programs.

I am appreciative that such an opportunity was extended to address the complex education issues affecting our Indian people and hopefully the bureaucratic process can be improved with your amendments and support.

The attached statements are but few, however, I suggest that another hearing and consultation be made possible for review and perhaps before implementation of such amendments.

Thanks again for the time spent on Indian Education issues with your committee on Indian Affairs.

Should you have any further questions, you may contact my Division Manager of Education, Mr. Victor Sarracino, at (505) 552-6654, Ext. 221.

Sincerely,

PUEBLO OF LAGUNA

Vincenti Pedro, Sr.
Vincenti Pedro, Sr.
Governor

VAS/VPS:aa

Enc. (1)

Statement of Vincenti Pedro, Sr., Governor
Pueblo of Laguna
to
Senate Select Committee on Indian Affairs

Addressing the Bureau of Indian Affairs Elementary and Secondary Education Programs and the Title IV, Indian Education Act Programs. Field Hearings were scheduled for December 6, 1984, in Phoenix, Arizona chaired by Senator Dennis De Concini:

Honorable Senator De Concini and distinguished members of the panel. Relative to your recent announcement on education issues and concerns, I would like to summarize and address specific items affecting the Pueblo of Laguna.

In order to address those specific legislative questions as they appear in the recent Federal Register and posed in the letter of October 25, 1984, it must first be pointed out that the time allotted for testimony did not allow adequate review and input from our respective constituencies and program departments, therefore, we rely on you heavily for your consideration on the recommendations to be made.

Pueblo of Laguna, has in the past years, been aware of the educational programs in existence and has entered into several contracts to administer such programs with the Bureau of Indian Affairs relating to Indian Self-Determination Act, therefore, Laguna places its highest priorities on education within its division. The Pueblo of Laguna has voiced repeatedly the concerns of its constituents for many years and will continue to do so.

Pueblo of Laguna is located approximately 50 miles west of Albuquerque and has a membership roll of 5,000 and a separate census count of 7,000 within the Laguna reservation bounds.

Pueblo of Laguna is a Federally recognized tribe under the Indian Reorganization Act (IRA) of 1934 and has executive order land ownership of approximately one half million acres. At least 3,500 tribal members reside on the reservation at each six major respective villages, Old Laguna being the capital.

Opportunities are presently available with education systems on limited basis which includes public schools under the Grants School District and Federally operated schools and additional private parochial schools forming a peripheral. Students attending the public school and the Federal consolidated school have inadequate facilities, therefore causing a number of unhoused students and further causing our Laguna students to attend schools elsewhere.

I wish to address the following:

- Bureau of Indian Affairs Elementary School Program at Laguna: The school was consolidated several years back and now takes in the students from the six major villages. As mentioned, the school is overcrowded. (K through 6th)
    1. There is definite need to continue to administer and apply Title I and Title II Programs at this level with adequate funds to take care of disadvantaged students and those with special needs.
    2. In addition the school needs to be designated as a local funding agency for Special Education to take in the handicap and those requiring special needs.
    3. To this date there has not been offered any programs for gifted children and this has to be addressed.
    4. In order for the tribe to determine its destination in the area of elementary education, the present Laguna Elementary School Board should be delegated the full authority to make ultimate decisions rather than to be a rubber stamp only. This should include the final say in hiring personnel.

5. At some point and time the tribe may decide to contract the said Laguna Elementary School, however, the Bureau of Indian Affairs is expected to put its curriculum and facilities in place prior.
6. Adequate funds should be provided for operation and maintenance of the school facilities as there have been drastic cuts in this department.
7. The rentals on teacherage (housing) for attracting good qualified teachers should be reduced, besides the funds for payments goes back into the treasury, instead should be recycled back into repairs and maintenance of the teacherages. Housing and rental must be made attractive so the teachers can be on hand for after school activities, lesson planning and parent counseling. Presently, many teachers are commuting 100 miles a day and this definitely cuts down on their efficiency.
8. Another item is the food service. The Indian child, in a federally operated school, should not have to resort to (USDA) United States Department of Agriculture criteria since the Indian tribes and the Federal Government have a special relationship and must continue to provide free meals to those students attending government schools.

- Secondary Education Program: The Secondary Education Program at Laguna Acoma School is administered under the Grants Municipal Public Schools and combined as a Junior/Senior High School:
  1. The school has inadequate facilities causing the school to utilize portables, a temporary measure to take care of the overcrowded situation.
  2. The curriculum at this school needs to be augmented so it not only meets the criteria for next level of grade and for graduation, but the students should be prepared to enter college of higher learning. More-

style in education, social life, and culturally as well as academically.

It must be pointed out again the Indian child should be able to receive free meals no matter which school they are enrolled at. Presently, they are subjected to comply with the USDA criteria, based on family income and family size before they can be considered. Food program is an important part of the education process for an Indian child.

Since the President has signed S. 2496, a Bill to reauthorize the Adult Education Programs, which includes the amendments to the Bureau run programs and reauthorizes and amends Title IV.

First of all Title IV Programs are reauthorized for only two years, therefore, this committee should plan an extensive study as mentioned and a multi-year reauthorization of the programs during the next Congress.

Bureau of Indian Affairs issues normally includes Indian education under Self-Determination Act and certain amendments are required such as:

- Declaration of long term funding for support of programs that may be taken over by the Indian tribes under contracts.
- Afford the Indian tribes with fixed contracts instead of with contracts with cost reimbursement. This will eliminate alot of red tape including setting of Indirect Cost rates.
- In the absence of the above fixed contracts, resolve the Indirect Cost and provide the Indian tribes with lump sums.

Also, the Title V of H.R. 11 contains the provisions which are essential and they are as follows:

- Forward funding and carryover of funds.
- School closure restrictions.
- Revision to the Bureau funding formula.
- Changes in provisions for BIA support service.

We, therefore, call upon Congress that the programs for the Indian tribes be reaffirmed of its committment and intent under the P. L. 93-638 contracts and that the Indian tribes receive long term funding with a continuation of a special relationship between the United States and the federally recognized Indian tribes.

As for cost reimbursement contracts, rather than fixed fee, 41 C.F.R., Sec. 14H-70.404 provides:

- Cost reimbursement type contracts provide for payment to the contractor of allowable costs incurred in the performance of the contract to the extent prescribed in the contract. This type of contract establishes an estimate of the total cost to obligate funds and a monetary ceiling which the contractor may not exceed. Cost reimbursement type contracts will be used for all contracts made pursuent to this part.

Under cost reimbursement type contracts, millions of dollars are spent by the Bureau of Indian Affairs and tribes hassel over what is or is not an "allowable cost". True, the Bureau's interest is to make sure the program intended is performed as specified in the contract.

With the fixed contract this could achieve that objective and encourage efficiency by the tribes and reduce administrative cost to the government. The tribes will also have that flexibility of administering the contracts as they see fit and with less problem in justifying each expenditure to a less authorized government clerk or COR person.

There should be provided an automatic contract renewal at the end of each Fiscal Year. Because of late appropriations and allocation process, funding becomes late and goes into several months into the new Fiscal Year. Contract programs such as the Scholarship Program becomes a real problem since college students rely on federal funds heavily for college expenses. Again, we call on Congress to resolve this administrative problem and make amendments to P. L. 93-638 to provide that all contracts under the Bureau of Indian Affairs be automatically renewed prior to expiration dates. Also, that bill should authorize an immediate drawdown of funds irrespective of the status of appropriations.

Indirect Cost has been a problem in the past without any solution and yet the tribes continue to administer Federal Programs with less funds each year when the Bureau knows that it costs money to administer programs especially in accounting and monitoring of projects. This overhead is just as expensive as the programs themselves

Under Title V of H.R. 11: It is apparent that forward funding is much needed along with the carryover of funds. We support the forward funding and the carryover provision of Sec. 506. We support the funding formula under provision of Sec. 505 for BIA education, especially in the transportation and School Board functions.

Pueblo of Laguna has other contracts and they are as follows:

1. Higher Education (Scholarship Program): Averages approximately 150 students annually and they do encounter problems annually of late funding and drawdowns, that is why forward funding is needed. This category requires more funding appropriation as we have been operating in a deficit since early 1970's.
2. Johnson O'Malley Program: Similarly, with less allocations each year there is a continued demand to meet the special needs of our students in public schools and parochial schools, especially in remediation, tutoring, counseling and school supplies.

   The most important financial aspect is the funding formula which isn't equitable especially in the lower states, namely New Mexico and Arizona. The Bureau of Indian Affairs recent hearings simply neglected the requests made for a fifth option to be added on to the Federal Register: To formulate equal distribution of funds to individuals and that voting procedures be re-established to determine equitable distribution throughout the United States. Congress can make this change since it is a special bill set up to meet the special needs of Indian children.

3. Employment Assistance: Although this program does not fall under the purview of Education Programs, it does provide classroom training and on the job training. In order to afford additional training, Pueblo of Laguna strongly requests for adequate funding while the unemployment has been at 70-75% since the closure of the mining operations in 1982 in the New Mexico area. A change of occupation is necessary, therefore, adequate funds are required to meet those objectives and goals in acquiring new careers. Employment Assistance also provides direct assistance especially if an opportunity arises for immediate employment. Inspite of limited funds we've had a successful program each year and the ultimate goal for each individual is having gainful employment.
4. Adult Education: Another categorical program that requires extensive training especially with limited funds. Instructors are being hired to hold on-site meaningful training and usually have three to four program training going simultaneously so long as the funds last.

The above normally have funding problems each year due to the slow process in actual allotments, usually its an estimate with certain cuts by percentages and slow in approving of carryover funds. Through the Bureau of Indian Affairs administration Pueblo of Laguna plans to contract more programs from the Bureau of Indian Affairs in the future, as well as, other federal projects in order to apply the opportunity for self-determination in the area of Education to the fullest extent possible.

Gentlemen, because of the highly complex nature of all these areas affecting Indian education, on behalf of the Pueblo of Laguna, we request that before any recommendations are finalized that we be called upon for another hearing and that Indian tribes be consulted so that we may again prepare and respond.

I thank you for your time and attention.

ROCK POINT COMMUNITY SCHOOL
(Via) Chinle, Arizona 86503

November 30, 1984

The Honorable Mark Andrews, Chairman
Senate Select Committee on Indian Affairs
SH-838 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Andrews:

The Association of Navajo Community Controlled School Boards, Inc. would like to extend our appreciation to you and the Committee for providing to us an immediate opportunity to participate in your review of S. 2496, the Education Amendments of 1984 at the hearing on December 8, 1984.

We appreciate the effort your Committee is taking to meet with us in Arizona, where we live. You have saved us a great deal of time, energy and money by holding this hearing in our locale.

We believe that there are still substantial problems with Indian education and these need the attention of all concerned persons in order for progress to be made. Some of these problems are resolved with S. 2496, while some are not resolved. We hope your Committee will monitor the progress that the Bureau will make in implementing Title V of the bill, and continue to provide us the opportunities to respond to you with our perceptions and problems that we experience.

We welcome you and the Committee to visit Navajoland and observe the quality educational programs that our Member Schools are providing to Navajo children.

Sincerely,

On behalf of ANCCSB

Executive Board

Benjamin Barney

Benjamin Barney
Director,
Rock Point Community School

Comments on Section 2496, "Education Amendments of 1984."

TITLE I: Adult Education Act Amendments

1. Contract schools (ANCCSD) would recommend that the legislation regarding adult education for state plans include language that would require that state planning committees and state plans include the funding of programs for Indians if there is a significant Indian population within that state. Most state committees do not include Indian representatives, and funds for Indian adult education are never included in the state plans. As members of a state, Indian groups and tribes should be included in the general sharing of adult education funds.
2. We support the use of a cooperative agreement for those organizations that wish to use that form of funds transfer, although we believe a grant to be a more flexible arrangement for the receiving agency.
3. We find little merit in the support that the National Institute of Education (NIE) receives for research (cf. Sec. 309(b). We do not find the NIE to be at all sensitive to the needs of the Indian populations that are affected by this Act.

TITLE V Amendments to TITLE XI of the Education Amendments of 1978

1. REF: Section 502(b)

We believe that this revision of PL 95-561 undermines and begins the slow death of Indian Self-Determination for community schools. He must ask: with BIA standards (or state standards) required, and with the development of a financial accounting and reporting system comparable to that of BIA Education [cf. Sec. 502(c)(3)], what is there that Indian community schools of Indian tribal schools "self-determine" any longer?

We have pointed out to all concerned members of Congress that the process of and the establishment of local educational standards is critical to self-determination.

The major objective to the language as provided in this section is that there is no appeal of the decision of the Secretary in regards to the offered alternative standards. The Secretary may refuse the alternative standards for any reason, substantial or frivolous. Without an appeal procedure, at minimum, the initiatives for true self-determination can be squelched. We need an appeal procedure, such as found in 25 CFR 271.81 ff.

2. REF: TITLE V Section 502(c)(2)

The elimination of this second sentence is another attack on self-determination.

> "The Secretary shall not refuse to enter a contract with respect to any contract school on the basis of failure to meet such standards."

Most, if not all, of the Navajo contract schools owe their "lifeline" or present existence to this clause. The Bureau has repeatedly attempted to force BIA standards (which are still unpublished) as the criteria to contract. We request that this language be re-inserted, so that flexibility is possible for communities to gain the skills of operating a school in meeting the needs of their students.

3. REF: Same as above

There is an inherent conflict between this elimination and the provisions of PL 93-638.

Section 102(a) of PL 93-638 provides specific criteria for the Secretary's decision to refuse to enter a contract. The sentence removed supported these declination clauses. Now that this is removed, we believe the BIA may attempt to close schools down that do not meet any of the standards elsewhere described; yet the provisions of PL 93-638 clearly states that contracts can be declined for only certain reasons, chief among them being that Indian beneficiaries (in our case, Indian students) will be harmed. There is no evidence having standards improves educational opportunity, nor in their absence, students will be harmed. In passing this present legislation, the Congress has created a serious conflict situation, without having improved upon the educational opportunities for students.

4. REF: Section 502(c)(2)

This language requires that all contract school be immediately in compliance with the standards legislated in these amendments. As written, only new school contractors would be provided the two years to gain the required paper documentation that allows them to educate children "properly."

We request that the language be changed as follows, if this whole section remains intact in this review process:

Within two years of the initial contract, or within two years of the enactment of this paragraph...

5. REF: Section 502(c)(3)

Part (3) indicates that some unknown competence will develop fiscal control and fund accounting procedures that will yield data comparable to the data the Bureau generates.

We severely criticize this section.

There are several widely publicized General Accounting Office that describe quite plainly the horrible mess BIA finances are in. Yet contract schools are being legislated and required to emulate a system that is thoroughly full of faults.

We have indicated that the last BIA Education "cost accounting" system that was developed for field use had over 1,600,000 cost codes for the expenditure of funds for schools. We are very fearful that contract schools will get caught in the same boondoggle that BIA schools have been caught in. We fail to understand the wisdom of this legislation.

We ask that this committee be responsive in hearing about the problems that we anticipate when we are forced to emulate and duplicate a system that is antiquated, ineptly implemented, and so very cumbersome for BIA employees. We hope that this committee will exercise due oversight of the work generated by this requirement. The last "Indian organization" that performed services for the Bureau in regards to contractor costs under PL 93-638 (American Indian Law Center) was so politically manipulated by the Bureau that the results were ridiculed by many schools and tribes.

6. REF: Section 502(d)

This section provides some relief to Bureau of Indian Affairs-operated schools when failing to meet the standards, for what would appear to be "causes" beyond the control of the school itself. However, there is no relief similarly provided for contract schools! No federal agency can "take action" against contract school board employees for the reasons cited in this paragraph. We are not federal employees. However, there also is no relief if a contract school also fails to perform for the same reasons indicated for the Bureau schools. If a contract school board fails to meet the standards, it is sudden death -- the contract is terminated!! And it appears that the Congress may be giving self-determination protection away here. At least with PL 93-638, there are rules to be followed when a contract school is challenged on its operations.

We request that this committee propose appropriate language that would also provide for relief similar to that stated for BIA-operated schools, that if the failure to meet such required standards is for the lack of funding to meet these standards, no action will be taken to terminate or non-renew a contract school board contract.

7. REF: Section 504(d)

The Contract Schools generally support the language of this section. The Bureau does have procedures for construction priority determinations, and for the distribution of improvement and repair funds. We believe there should be a consultation process in the review and establishment of the formulas the Bureau uses in these distributions. It sometimes appears that the simple mathematical distribution of funds per square footage does not properly reflect the realities of the differences in the conditions of buildings, their location, and the costs to repair and improve. Therefore, a new facility, located in or near an urban setting receives equally the same funding per square foot that an aged, deteriorating facility in the middle of the reservation receives. No acknowledgement or allowances are presently available to fund such differentials.

The contract schools urge the Congress to fund school construction and repairs at a level that is consistent with the proposed Bureau educational/dormitory standards, and that such funds be made available quickly, before the Administration decides to eliminate those schools that they do not wish to support for facility repair reasons.

8. REF: Section 505(a)

The Navajo contract schools support the language of this section. However, we feel we need to caution this committee that there are certain formula provisions of the present language in 95-561 that have not been implemented, including Section 1128(a)(2)(A), (C), and (E)! We are concerned that the Bureau will also not implement these new formula modifications that should improve the distribution of funds for educating students.

9. REF: Section 505(b)(2)

The schools support the inclusion of this restatement of the language of PL 93-638 requiring the Bureau to distribute administrative/indirect costs funds to contract schools. We request that this committee carefully monitor the implementation of this language. The Bureau has not distributed funds at this level in the past, and we are concerned that the direction the Senate and House Appropriations Committees have provided to the Bureau supports the shorting of contract schools in this regard. For example, the FY 85 allocation and distribution of "administrative costs" dollars is estimated to meet 94.57% of the FY 84 unadjusted need as determined by Indirect Cost Rates and lump sum arrangements. Does this 5%+ shorting of contract school administrative budgets reflect an equivalent 5% reduction of Bureau administrative funding, post -appropriation actions by the Congress? If not, then it would appear that this provision is not being implemented at this time.

Again, each contract school may differ in size, location and program needs, indicating that a simple "pro-rata" share of dollars will not meet the requirements of this section. The isolated school in the heartland of the reservation may need funds proportionately greater than a larger less isolated school. The Bureau has failed to develop criteria that would support this language, and the demand must be made that they do develop appropriate criteria for meeting the Secretarial Level Funding.

10. REF: Section [illegible]

We are generally in support of this provision, but are concerned about two points:

A. Will the monetary awards be available to contract schools?

B. Will these awards reduce the funds available for basic education of Indian children?

We support the contention that merit increases should be funds the Congress specifically adds to the budget rather than taking away from basic services.

11. REF: Section 505(a)

The Navajo contract schools support forward funding. This should assist all BIA-affiliated schools in meeting the need to predict one's budget with reliability.

12. REF: Section 505(b)

The Navajo contract schools support this language. The Navajo Tribe's Tribal Education Agency project was funded under a PL 93-638 contract, that was not renewed by the Bureau. Because of the immense size of the Reservation and due to the diversity of the communities found therein, the Tribe needs additional time and funds to firmly establish this agency. Without this new language, the Tribe would have to fund its TEA project itself, weakening the federal obligation and treaty promises that the Congress made to educate Indian children.

13. REF: Section 508

We believe that good data collection and management can improve the educational potential for all students. However, we are concerned about the poor performance the Bureau of Indian Affairs has had in establishing competent EDP activities and systems to date. We know that for the Navajo Reservation, computer data tied into the public telephone system is scarcely feasible. We have heard of the several attempts to implement antiquated data management systems. We are concerned that the fiscal accounting procedures also legislated herein may be tied up into the MIS boondoggle. We believe that the Bureau needs to consult with contract schools about MIS and computerized systems, as well with tribes, so that we can participate in this program area. Several contract schools already have sophisticated computer systems and personnel with some experience in the field. We need more efforts on the Bureau's part to discuss these things before obligating funds and establishing unworkable systems.

14. REF: Section 510

We fully support this language. It requires the Bureau to tie regulations to the statutes that they implement, and can assist Indians in understanding the dynamics of the regulatory process.

15. REF: Section 512, new Section 1141(b)

We need a clarification as to the applicability of rent waivers or rental reductions up to 90% to contract schools who utilize government housing. If rental rates for BIA schools only is meant, there would be substantial competitive edge given the Bureau schools in recruiting staff; substantial loss would be experienced by the contract school which could not realize this benefit.

Although it may simplify matters not to have a "reviewable" decision of a superintendent of Area EPA, it becomes more complex if a given superintendent of EPA disfavored contract schools, as is the case in some agencies, favor could be given to a BIA school at the expense of a contract schools, and without a review procedure. Since GAO has repeatedly pointed out the conflict of interest that exists in the relationship itself between contractor and Bureau, we recommend that this committee monitor the implementation of this language and be responsive to complaints of inequities, should any arise.

16. REF: Section 312

We support the extension of the Indian Education Act. This Act has had a major impact in the development of true Indian programs, such programs that the Bureau does not provide funds for.

17. REF: Section 701-792 "Title VII Bilingual Program"

Title II of what we're still calling Senate 2406 involves a major rewriting of the old Title VII "Bilingual Education Act". While we have some problems with the new Act, it is the best version of that Act to date. We commend the courage and perseverance of those who drafted this title, the integrity of those who worked out the necessary compromises, and the wisdom of the Congress in enacting it.

This version marks a significant turn, at last, from the restrictive dead-end road Title VII had been moving down in recent reauthorizations. Earlier, restrictive, interpretations of Title VII had led many parents and educators to see bilingual education as a program intended for 'dumb' 'sick' kids who were afflicted with a disease called "lack-of-English". We would treat these 'sick' 'dumb' kids with large doses of English and very small doses of Navajo until they were a little 'less-sick', 'less-dumb', and then take them off the Navajo because, like all 'medicines', 'too much' might be harmful.

This bill marks a significant change in direction. It recognizes bilingual education as the safe, normal, natural, healthy, way to educate students who have, or are influenced by, another language than English.

The new Act recognizes that:

-a primary means by which a child learns is through the use of such child's native language and cultural heritage; (Section 702(a)(5))
-large numbers of students of children have educational needs which can be met by the use of bilingual educational methods and techniques; (Section 702(a)(6))

> -both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs develop our national linguistic resources (Section 702(a)(12))
> -parent and community participation in bilingual education programs contributes to program effectiveness, (Section 702(a)(13))

and declares it to be __policy__ that:

> in order to establish educational excellence...to encourage the establishment and operation...of educational programs using bilingual education techniques and methods...(Section 702(a))

We are talking at last about not only "opportunity" but also "__excellence__"---not about "compensatory" education.

We are particularly pleased to see the formal recognition of "__developmental__" bilingual eduction" which might include "approximately equal numbers of" non-LEPs and LEPs. (Section 703(a)(5)(A&B))

For too long Title VII has been construed to sanction/allow only __transitional__ bilingual education. As an foreign observer put it: "The Yanks use the native language as a 'bridge' with which to bring the children into school. Then they burn the bridge behind them."

With the formal recognition of the possibility of "__developmental__" bilingual education programs, the United States government catches up at last with the best international research and domestic practice. Indians, who did not in-migrate to this country, will be among the beneficiaries of this enlightened change.

We are not as pleased with the formal recognition of "special alternative instructional programs" (which translates in practice as English-only immersion programs).

While we understand the theoretical distinction between "immersion" and "submersion" programs, we cannot see how regulations could be written which would prevent immersion programs from becoming submersion programs. ('If the students survive being thrown in the English Ocean, it must have been an immersion program!')

We do not dispute the right of other communities to give their children immersion/submersion treatments---IF that is what they really want. But we do wonder at the propriety of using bi-lingual funds to run mono-lingual programs.

Given the fact that it was felt that such a compromise had to be made, we are pleased that such non-bilingual programs will be limited to 4% of the first $140 million and no more than 10% of the total amount appropriated if in excess of $140 million.

Given the allowance of 'immersion' programs, the requirements in Section 271(c)(3) that applicants prove that such programs are the least bad alternative are good and should be insisted upon in regulations and practice.

Given the apparent 'holy war' some D of E people have waged for immersion programs, we are concerned about specious 'evaluation' that might seek to 'prove' the superiority of immersion programs by 'finding', to their 'surprise' that students who start with more English end up with more English. The evaluation of these immersion programs must include pre-treatment language assessment.

We are pleased with the inclusion of "programs of academic excellence" in the range of programs allowed. For all these too many years, 'bilingual education' has been allowed to seem, or actually be, inferior education.

It is unfortunate that it is still felt necessary to get parents' permission to place them in bilingual education. This is left-over from the attitude that bilingual education is 'special education' for 'dumb' kids.

A time should come in America when school districts will want/need written absolution from parents for educating a student only in English.

We are pleased to see the section 722 having to do with "Indian Children In School".

We do have some concern about possible (mis)-interpretations of Section 722(a)(2) defining a "tribally sanctioned educational authority" as, among other things, an "...organization which is chartered by the governing body of an Indian tribe...". Some tribes do not issue charters as such. PL 93-638 requires that "tribal organizations" be sanctioned, chartered, or approved by the tribal governing body. Some BIA employees have taken this language to tell the Tribe that they must issue charters to any school they wish to approve for a 638 contract. This was not the intent of PL 93-638 or this Act. It is hoped that the term "chartered" will not be taken literally but will be understood to include any appropriate form of formal approval by the tribal governing body.

There may need to some clarification of the intent or operation of Section 722(b). It is our understanding that Title VII projects in BIA-operated schools are often delayed by the money passing through the Bureau. Are there ways of avoiding this while placing legal and fiscal responsibility with the receiving Board not the Bureau?

In conclusion, most of us who have followed Title VII over the years are quite pleased with this Title. With its flaws, it is a far better Act than anyone thought possible last spring.

Our one concern is that the allowing some 'immersion' projects does not become the wedge whereby immersion programs replace bilingual programs.

18. REF: Section 1124(a)

The Navajo contract schools have no general problem with the recommendation to have school attendance areas (boundaries). However, we believe that what a school boundary does is not at all clear. What is an attendance area? What is a school boundary? What is the relationship between school boundaries and parental choice, which is a part of Bureau regulations? What do "Boundardies" do? Where does the funds go when students transfer? Where should the funds go initially-- to the school of a students "boundary" or to the school which accepts the students? What are the administrative restrictions for "bounty hunting" for students?

These are major concerns to a People who think and understand a "boundary" to mean something like a fence that keeps people from using their land. Many Navajos have more than one home, and there is a migration from home to home for many families. Will the boundary be used to prevent people from living an otherwise normal traditional existance?

We request that these issues be addressed by this committee and by the Bureau and tribes, at least for the Navajo area. We must have clear definitions and premises to work when such sensitive topics are "legislated."

Snowflake Unified School District No. 5
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21 November 1984

Mark Andrews, Chairman
Selective Committee on Indian Affairs
United States Senate
Washington, D. C. 20150

Dear Mr. Andrews and Committee Members:

A recent proposal by the B.I.A. in Washington suggests the consolidation of the Snowflake Dormitory with Winslow and Holbrook Dormitories.

These are all three Bordertown Dormitories to house students off the reservation to attend public schools in the respective communities. Our local Governing Board has not taken a position as to the adviseability of closing the Snowflake Dormitory as of the present date - however, they have taken positions regarding the following:

1. We support the concept of attendance boundaries for Bordertown Dormitories. Presently, the students housed at these Dormitories are recruited far and wide. As the present school year began, the enrollment at the Snowflake Dormitory was as follows:

District	Grade				Total
	9	10	11	12	
Cedar	7	15	9	10	41
Unorganized Territory	1	0	2	3	6
Window Rock	3	1	0	0	4
Whiteriver	9	9	6	[illegible]	25
Chinle	1	2	1	1	5
Holbrook	4	2	6	1	13
Winslow	0	0	0	1	1
Snowflake	0	0	1	0	1
Puerco	1	0	0	0	1
Ganado	0	2	1	1	4
					101

A) Snowflake School District no longer includes any reservation area. The old "Manila Strip" that extended to the Teastoh area is now unorganized territory.

2. We would strongly suggest advance contracts between the B.I.A. and all Bordertown Schools. We have experienced a number of years without contracts and without knowing whether we will have students from one year to the next. This places tremendour hardship on us, as we enter into our budget process.

   It is difficult to know how many teachers to employ and what fields of preparation to select the teachers from. Also, we are unable to finalize our class schedules until after the school year begins, because we never know how many students we will have.

3. We would suggest that all parties involved develop a policy which would prohibit students from transfering between schools, unless warranted for educational purposes. We sometimes get students who have been in as many as 6 or 7 schools, and transfer for any reason they wish. This makes it very difficult for students to maintain any continuum in their educational progress.

Please understand, that as long as we have Indian students in our school system, it is our intention to provide them with the best educational experiences we have to offer. We are simply interested in seeing decisions made as quickly as possible - and offer our availability if needed to assist in making those decisions.

Sincerely,

L B Brewer
Larry B. Brewer
Superintendent

LBB:vl

PREPARED STATEMENT OF RONNIE LUPE, TRIBAL CHAIRMAN

WHITE MOUNTAIN APACHE TRIBE

Indian education is vital to the youth of the White Mountain Apache Tribe. Each year, at least fifty percent of the graduating high school class goes on to post-secondary educational institutions. With proper education, these students achieve their degrees and ultimately, a career.

Unfortunately, the quality of Indian education and the availability of school facilities hinder many students from continuing their education and threatens the educational opportunities for future students.

Several areas of improvement are needed to develop an educational system which is truly geared toward the education of Indian people and their needs.

Currently, almost three hundred White Mountain Apache students attend BIA and private schools off the reservation. These BIA boarding schools include those of Snowflake,(dormitory) Sherman and the Phoenix Indian School. These schools provide an essential service to the White Mountain Apache Tribe. If they are closed, as with the tragic closure of Intermountain Indian School, there will be no reservation facility to enable these students to attend school and complete their education. Some of the brightest Apache students are selected to attend these BIA boarding schools. Without the availability of these facilities, they cannot be placed.

If it is inevitable that schools like the Phoenix Indian School be closed, there must first be a replacement facility located on or near the reservation. Current reservation school facilities in Whiteriver are already at capacity while areas like Cibecue have no high school facility at all. These Cibecue students depend on attending schools like Phoenix Indian School in lieu of being bused 100 miles roundtrip to Whiteriver each day. Even when students attend the existing facilities, funding for maintenance of heating and water systems is so inadequate that school closures are unavoidable.

Clearly, the reservation school systems have been neglected in the area of adequate facilities. A commitment to build new and adequate school facilities and to keep BIA boarding schools open must be made by this committee to insure that education can and will continue on our reservations.

In addition to adequate school facilities, there must be a further commitment by BIA to improve the quality of education in their schools. This quality of education for Indian students must meet the national norm. The academics afforded non-Indians must also be afforded to Indian students. All too often, Indian students are segregated away from full classroom participation and education in the early years. The result is that Indian students receive a high school diploma but only a 5th grade education. Indian classes should be taught as the level indicates, being cautious to preserve the students' cultural and traditional values. In the past, the Indian student has been forced to join the mainstream and leave his identity behind. Indian educators must change this practice by promoting and preserving the Indian identity along with the traditions and cultural strengths which are the roots of each Tribe. The pride in being an Indian must be promoted and permitted to prosper.

In this way, an Indian student can be equipped to face the real world with the proper tools of education as are provided to non-Indians without being segregated or mainstreamed. Indian education must offer the same quality and treatment as given to non-Indians.

The first step in offering the same quality of education, as enjoyed by non-Indians, is to hire an adequate number of teachers. At the BIA ~~[illegible]~~ boarding school, teachers are forced to teach average and below-average students in the same classroom with the gifted students. This hinders the learning abilities of students at both ends of the spectrum and places an impossible burden on the teacher.

With the current freeze on hiring, ISEP funding is being indirectly and seriously cut without benefit to the Tribe. This freeze on hiring teachers must be lifted in order to improve the quality of education and to derive full benefit from the ISEP funding program.

Each year, these funds are directly cut or maintained at the same level although inflation and the economy necessitate increases. These cutbacks threaten the future of Indian education as a whole. Cutbacks must cease and hiring freezes on teachers lifted. If they are not, the quality of education will never equal that of state and parochial schools located off the reservations.

Even if public schools were available on reservations, the needs of the Indian student must still be met. BIA schools have the means to provide our students with the kind of education which will prepare them to live in the adult world. These programs include alternative education programs, G.E.D. programs, and the special single-parent programs. Each program insures the student will receive at least a high school education or its equivalent. Cutbacks threaten the lifespan of these programs daily. A financial commitment by the Agency is needed to continue to meet these special needs - a commitment which is, afterall, an Agency responsibility.

Communication between school officials, BIA, school boards, and the Tribes is essential. Under the new law, this communication with officials should improve. However, cooperation is needed to promote participation of each segment involved. Our communication is currently being stifled by the BIA's new ruling that non-federal employees may not receive advance stipends for attending Education meetings. While they provide the forum for communication by setting up meetings throughout the country, the Bureau has effectively ceased travel to these meetings by denying advances to school board members who are non-federal employees. Because of the ruling, these members are forced to pay per diem and travel to and from these meetings out of personal funds. Even when the board member has personal funds to use for these meetings, which is rare in many cases, he must wait at least thirty days or more before receiving his reimbursement from B.I.A. This not only places an undue hardship on the individual board member but it also severs the effectiveness of Indian participation in the educational policy- and decision-making processes.

Two solutions are available to solve this problem: (1) Contracting with the Tribe so that school board funds may be issued directly from the Tribe for travel; or (2) the use of government travel requests so that the government can directly meet these expenses.

In any event, this problem must be solved immediately to prevent erosion of the communication and repoire thusfar established.

The lack of adequate facilities, effective funding, teaching staff and travel and per diem advancements are crippling the Indian school system. Commitments to act in specific areas must be made by BIA to improve the quality of education on the reservation. It is within your committee's authority to act so that these commitments can be made and quickly realized.

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